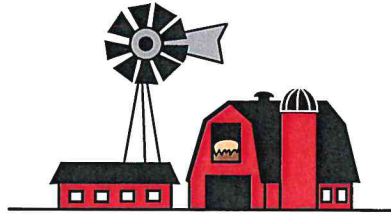


# TOWNSHIP COOPERATIVE PLANNING ASSOCIATION

4111 11<sup>th</sup> Avenue SW Room 10  
Rochester, MN 55902  
Phone: (507) 529-0774



Roger Ihrke, Administrator  
David H. Meir, Administrator  
Jered Staton, Administrator  
roger@tcpamn.org  
david@tcpamn.org  
jered@tcpamn.org

-- TCPA --

Date: 03/26/2024

To: John F. O'Brien and Amy R. Groszbach  
Oronoco Town Board

Re: Metes and Bounds Subdivision  
Section 31 – Oronoco Township

Permit: OTMB-24-01

Meeting: Oronoco Township - Agenda item Monday, April 8<sup>th</sup>, 2024, after 5:30 pm – Oronoco City Hall

Owner/Applicant: John F. O'Brien and Amy R. Groszbach – 8484 60<sup>th</sup> Avenue NW – Oronoco, MN 55960

Requested Action: The owner/applicants have two contiguous tax parcels lying primarily in the west half of the NW1/4 of section 31 for a total contiguous ownership of 65.48+/- acres. The property is currently improved with their dwelling and an accessory structure.

In December of 2023 the Oronoco Town Board considered and approved variance request OR2023-008VAR that would allow the subdivision of the dwelling and accessory structure onto its own 10+/- acre – non-farm size - parcel. The property is zoned A-2; Agricultural Protection District. Within the A-2 District a farm size parcel is 35 acres, anything smaller is a non-farm size parcel and there may be only one non-farm size dwelling parcel per quarter-quarter section. The McGurren dwelling parcel at 5780 85<sup>th</sup> Street NW was the existing, allowed non-farm dwelling parcel within this NW/14 of the NW1/4 of Section 31. Therefore, to subdivide the owner/applicant's dwelling onto a non-farm size parcel required said variance.

Legal Description: Parcels #: 843122053554 and 843123082585  
SEE ATTACHED FOR FULL LEGALS

Zoning: A-2; Agricultural Protection District

Attachments:

1. Application Form
2. Proposed Survey by Applicant

3. Parcel Combination Request Form
4. Olmsted County Variance Approval Letter
5. Oronoco Town Board Meeting Minutes for Variance
6. Location/Plat Map
7. Legal Descriptions
8. Aerial Photo Map
9. Existing Parcel Map
10. Proposed Parcel Map
11. Zoning Map
12. Soils Map
13. Feedlot Buffer Map

Ordinance: The Oronoco Township zoning ordinance reads as follows;

#### Section 1.26 BUILDABLE LOTS

A lot that meets the Board of Health regulations and fulfills the criteria specified in one of the following subsections (A) or (B) is a buildable lot. All other lots, including illegally created lots, shall not be considered buildable lots and no building shall be constructed or placed upon such lots.

- A. Buildable Lots for Uses Other than Dwellings: (These other uses would include agricultural uses such as barns and other agricultural buildings but would not include a dwelling.)

Lots of record or newly created lots that meet the lot area, lot width and access requirements of this ordinance. Any newly created lot which does not meet the standards for non-farm dwellings in the zoning district where such lot is located, or the standards for farmstead dwellings, shall be designated as an (N.B.) Non-Buildable Lot for Dwelling Purposes on the Official Zoning Map.

Non-conforming lots of record, providing that such lot has recorded access to a public road and the proposed building complies with the regulations in Section 1.28 (B).

- B. Buildable Lots for a Dwelling Are:
  1. A lot that qualifies as a farm.
  2. Lots created after the effective date of this ordinance which meet the lot area, lot width, access requirements and either the standards for non-farm lots or dwellings in the zoning district where such lot is located or the standards for farmstead dwellings.
  3. Lots of record, providing that such a lot has recorded access to a public road and the proposed building complies with the regulation of Section 1.28 (B).

4. If in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the zoning district lot area, width, or access standards of the zoning district where located, the lots must not be considered as separate parcel of land for purposes of development. The lots must be combined with one or more contiguous lots so they equal one or more parcels of land, each meeting the lot area, width, or access standards to the extent possible.
5. A lot must comply with all standards of the floodplain provisions of the zoning and subdivision ordinances.

#### Section 5.02 A-2 AGRICULTURAL PROTECTION DISTRICT:

The purpose of this district is to maintain, conserve and enhance agricultural lands which are historically valuable for crop production, pastureland, and natural habitat for plant and animal life. This district is intended to encourage long term agricultural uses and preserve prime agricultural farmland by restricting the location and density of non-farm dwellings and other non-farm land uses. The A 2 District does provide a slightly higher density of non-farm dwellings than the A 1 District and is intended to apply to those areas within the comprehensive Plan's "Agricultural Protection Area" and "Agricultural Area" where major agricultural investments, large farms and feedlots are more scattered and greater numbers on non-farm uses or small parcels are present. The definition of a farm for this district is "a lot used for agricultural or horticultural uses and comprised of at least thirty-five (35) acres".

C. Standards for Non-Farm Lots or Dwellings: Non-farm lots or dwellings shall be permitted only when they comply with all of the following standards:

1. No more than one non-farm lot per quarter-quarter section. Should a quarter-quarter section contain a buildable non-farm lot, no additional dwelling shall be permitted.
2. Any non-farm lot shall contain at least one (1) acre of non-prime agricultural soils with a crop equivalent rating of 55 or less. When a dwelling, which is not a mobile home, existed in its present location prior to April 16, 1983, this standard shall not apply.
3. No non-farm dwelling shall be permitted in areas identified as wetlands or flood plain.
4. No non-farm dwelling shall be located within one-fourth (1/4) mile of an animal feedlot or manure storage facility not located on the same non-farm lot.

#### Analysis:

The owner/applicants have two contiguous tax parcels lying primarily in the west half of the NW1/4 of section 31 for a total contiguous ownership of 65.48+/- acres. The property is currently improved with their dwelling and an accessory structure.

In December of 2023 the Oronoco Town Board considered and approved variance request OR2023-008VAR that would allow the subdivision of the dwelling and accessory structure onto its own 10+/- acre – non-farm size - parcel. The property is zoned A-2;

Agricultural Protection District. Within the A-2 District a farm size parcel is 35 acres, anything smaller is a non-farm size parcel and there may be only one non-farm size dwelling parcel per quarter-quarter section. The McGurren dwelling parcel at 5780 85th Street NW was the existing, allowed non-farm dwelling parcel within this NW/14 of the NW1/4 of Section 31. Therefore, to subdivide the owner/applicant's dwelling onto a non-farm size parcel required said variance.

Non-Farm Criteria:

1. As described above the McGurren non-farm dwelling parcel was the existing allowed non-farm dwelling parcel within the NW1/4 of the NW/14 of Section 31. Per the ordinance no other non-farm dwelling parcel may be created within this quarter-quarter. This criterion is met per approved variance OR2023-008VAR with the condition that the 55.58+/- acre residual ag parcel be labeled (N.B.) Non-Buildable for Dwelling Purposes.
2. The proposed 9.9/10-acre non-farm dwelling parcel has, per CERs, more than 3 acres of non-prime soils with a CER of 15. This criterion is met. In addition, the entire proposed parcel is heavily wooded untilled land. The Oronoco Township ordinance defines "*Prime Crop Land*" as, "*Land which has been determined by the Agricultural Stabilization and Conservation Committee to be cropland, having a crop equivalency rating of 60 or greater.*" Some Townships interpret this based solely on the CER of the land – regardless of whether or not the land is wooded or tilled. Other Townships define cropland as only the land that is tilled.
3. Per Olmsted County Soils maps there are no flood or hydric soils present on the proposed non-farm dwelling parcel. This criterion is met.
4. According to Olmsted County Feedlot maps there is a feedlot to the north of the proposed non-farm dwelling parcel on the John Glawe property. The ¼ mile feedlot setback buffer cuts through the very northern edge of the proposed non-farm *parcel*. (see feedlot map). The Oronoco ordinance states that, "*No non-farm dwelling shall be located within one-fourth (1/4) mile of an animal feedlot. . .*" Therefore, while the non-farm *parcel* falls partially within the feedlot buffer, the *dwelling* itself is outside of the buffer zone and this criterion is met.

Access: The owner/applicant's existing dwelling and accessory building have residential driveway access from 60<sup>th</sup> Avenue NW. In addition, based on aerial maps, there appear to be field access points to the residual ag parcel in the northeast corner of the proposed ag parcel – from 85th Street NW – and from 60<sup>th</sup> Avenue NW. The proposal meets the access requirements of the ordinance.

Open Wells: There *may* be open unused wells on the property which the County may require to be capped and sealed before the County Environmental Department approves the final survey.

Conclusion: Staff recommends approval of the proposed subdivisions with the following conditions;

1. That the applicant provides a survey that meets the lot width, area and access requirement of the ordinance.

2. That the applicant sign a parcel combination request form combining the 24.10+/- acres of residual ag land from the dwelling parcel with the 31.48+/- acre ag parcel to the south.
3. That the combined 55.58+/- acre ag parcel be labeled as (N.B.) Non-Buildable for Dwelling Purposes.



**TOWNSHIP COOPERATIVE PLANNING ASSOCIATION – ZONING APPROVAL OF METES & BOUNDS SUBDIVISION APPLICATION**

You can fill in the fields on this form on your computer or print the form and fill it in by hand.

4111 11<sup>th</sup> Avenue SW Room 10  
Rochester, MN 55902

-- TCPA --

OTMB 24-01

(507)529-0774  
Fax: (507) 281-6821

TOWNSHIP Oronoco

DATE 3/4/2024

**INSTRUCTIONS:** complete this application form and return it to the Township Cooperative Planning Association with all required materials and the application fee. The Administrator will review the application for compliance with the Zoning Ordinance. If all requirement(s) of the Zoning Ordinance are met, the application will be forwarded to the Township Board of Supervisors for review at the monthly Town Board meeting. The applicant will be notified of the date and time of the meeting and should attend to answer any questions the Board may have.

After approval by the Town Board of Supervisors, an application will be submitted with the Certificate of Survey to the Olmsted County Planning Department and Public Works for their approval to complete the process. The Applicant will also be required to pay any fees associated with this process.

Legal Description of the property to be subdivided as it exists at the present time:

see attachment of certificate of survey

Plat # \_\_\_\_\_

Parcel # 84.31.22.053554  
84.31.23.082585

Reason for subdividing land:

Trust / Estate planning

Please attach a site plan with accurate scaled drawing of the proposed subdivision!

Property Owner John F O'Brien + Amy R Groszbaech

Applicant John F O'Brien + Amy R Groszbaech

Address 8484 60<sup>th</sup> Ave NW

Address 8484 60<sup>th</sup> Ave NW

Oronoco MN 55960  
City State Zip code

Oronoco MN 55960  
City State Zip code

Telephone John Cell 507-421-8425  
Amy Cell 507-254-1059

Telephone \_\_\_\_\_

Signature John F. O'Brien

Signature Amy R. Groszbaech

Return the completed application with accurate site plan identifying the property as it exists and proposed metes and bounds subdivision. Also include on the site plan any existing buildings, wells, septic systems, and other structures and their distances from the propose property line. A Certificate of Survey will be required after approval of the subdivision by the Town Board.

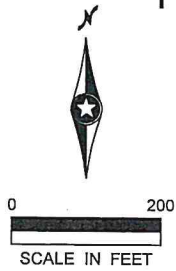
An application fee of \$816.00 is required to process the application. Please submit a check made payable to **TCPA** with this application. It will not be processed until the fee is submitted.

GROSZBACH, AMY @ GMAIL.COM

04/09

# CERTIFICATE OF SURVEY

## PART OF THE N1/2 OF THE NW1/4 OF SEC. 31, T108N, R14W OLMSTED COUNTY, MN

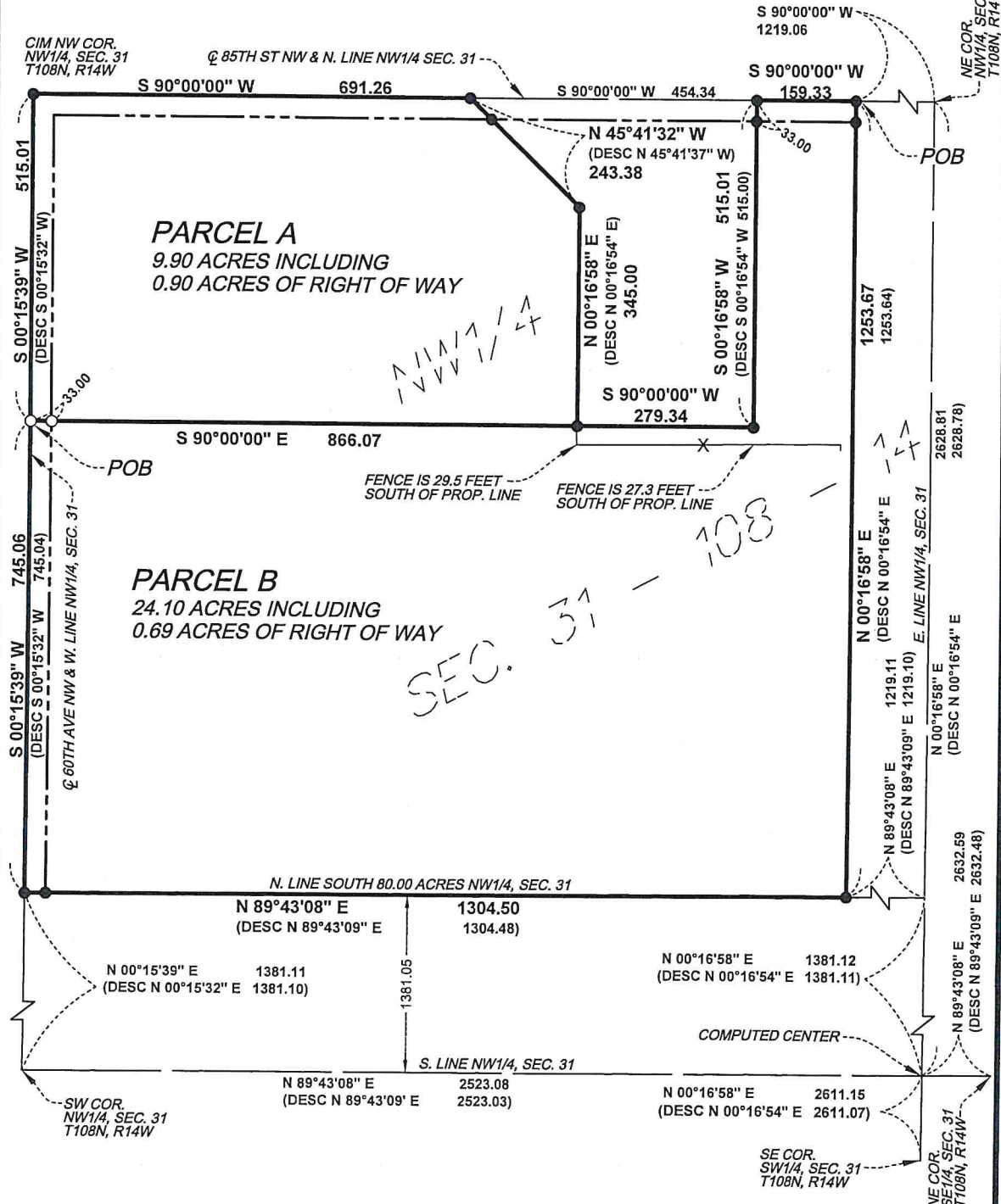


SURVEY BASED ON AN ASSUMED BEARING SYSTEM  
WHEREIN THE N. LINE OF THE NW 1/4, SEC. 31, T108N,  
R14W, BEARS S 90°00'00" W

### MONUMENTS

- SET 3/4 INCH IRON PIPE
- FOUND 1/2 INCH REBAR UNLESS OTHERWISE NOTED

ALL MONUMENTS SET HAVE A CAP STAMPED PLS 45818



SURVEYED FOR: JOHN O'BRIEN & AMY GROSZBACH

SURVEYED BY: EWZ DRAFTED BY: CDM CHECKED BY: CDM

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.

Signature: Christopher D. Munn Lic. No. 45818

Printed Name: CHRISTOPHER D. MUNN Date: 03/01/2024



PART OF N1/2 OF NW1/4 OF  
SEC. 31, T108N, R14W  
OLMSTED COUNTY, MN

FILE NO.  
OB 177260 CS  
CLIENT CODE  
OBRJ

1  
2



# CERTIFICATE OF SURVEY

## PART OF THE N1/2 OF THE NW1/4 OF SEC. 31, T108N, R14W OLMSTED COUNTY, MN

### Parcel A Description

That part of the North One-Half of the Northwest Quarter of Section 31, Township 108 North, Range 14 West, Olmsted County, Minnesota described as follows:

Commencing at the northeast corner of the Northwest Quarter of said Section 31, thence West, assumed bearing, along the north line of said Northwest Quarter, 1219.06 feet for a point of beginning; thence continue West, 159.33 feet; thence South 00 degrees 16 minutes 54 seconds West, parallel with the east line of said Northwest Quarter, 515.00 feet; thence West, 279.34 feet; thence North 00 degrees 16 minutes 54 seconds East, 345.00 feet; thence North 45 degrees 41 minutes 37 seconds West, 243.38 feet to the north line of said Northwest Quarter; thence West, along the said north line, 691.26 feet to the northwest corner of said Northwest Quarter; thence South 00 degrees 15 minutes 32 seconds West, along the west line of said Northwest Quarter, 1260.04 feet; thence North 89 degrees 43 minutes 09 seconds East, along the north line of the South 80.00 acres of said Northwest Quarter, (said line being 1381.05 feet north of as measured at right angle to and parallel with the south line of said Northwest Quarter), 1304.48 feet; thence North 00 degrees 16 minutes 54 seconds East, parallel with the east line of said Northwest Quarter, 1253.64 feet to the point of beginning. Being subject to an easement for the Township Road right of ways over the north and west boundaries thereof.

Which lies westerly and northerly of the following described division line:

Commencing at the northwest corner of said Northwest Quarter, thence South 00 degrees 15 minutes 39 seconds West, along the west line of said Northwest Quarter, 515.01 feet to the point of beginning of said division line; thence South 90 degrees 00 minutes 00 seconds East, parallel to the north line of said Northwest Quarter 866.07 feet; thence North 00 degrees 16 minutes 58 seconds East, parallel to the east line of said Northwest quarter, 345.00 feet; thence North 45 degrees 41 minutes 32 seconds West 243.38 feet to the north line of said Northwest Quarter and there terminating. Said termination point being South 90 degrees 00 minutes 00 seconds East 691.26 feet distant of the northwest corner of said Northwest Quarter.

### Parcel B Description

That part of the North One-Half of the Northwest Quarter of Section 31, Township 108 North, Range 14 West, Olmsted County, Minnesota described as follows:

Commencing at the northeast corner of the Northwest Quarter of said Section 31, thence West, assumed bearing, along the north line of said Northwest Quarter, 1219.06 feet for a point of beginning; thence continue West, 159.33 feet; thence South 00 degrees 16 minutes 54 seconds West, parallel with the east line of said Northwest Quarter, 515.00 feet; thence West, 279.34 feet; thence North 00 degrees 16 minutes 54 seconds East, 345.00 feet; thence North 45 degrees 41 minutes 37 seconds West, 243.38 feet to the north line of said Northwest Quarter; thence West, along the said north line, 691.26 feet to the northwest corner of said Northwest Quarter; thence South 00 degrees 15 minutes 32 seconds West, along the west line of said Northwest Quarter, 1260.04 feet; thence North 89 degrees 43 minutes 09 seconds East, along the north line of the South 80.00 acres of said Northwest Quarter, (said line being 1381.05 feet north of as measured at right angle to and parallel with the south line of said Northwest Quarter), 1304.48 feet; thence North 00 degrees 16 minutes 54 seconds East, parallel with the east line of said Northwest Quarter, 1253.64 feet to the point of beginning. Being subject to an easement for the Township Road right of ways over the north and west boundaries thereof.

Which lies southerly and easterly of the following described division line:

Commencing at the northwest corner of said Northwest Quarter, thence South 00 degrees 15 minutes 39 seconds West, along the west line of said Northwest Quarter, 515.01 feet to the point of beginning of said division line; thence South 90 degrees 00 minutes 00 seconds East, parallel to the north line of said Northwest Quarter 866.07 feet; thence North 00 degrees 16 minutes 58 seconds East, parallel to the east line of said Northwest quarter, 345.00 feet; thence North 45 degrees 41 minutes 32 seconds West 243.38 feet to the north line of said Northwest Quarter and there terminating. Said termination point being South 90 degrees 00 minutes 00 seconds East 691.26 feet distant of the northwest corner of said Northwest Quarter.

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.

Signature: Christopher D. Munn Lic. No. 45818

Printed Name: CHRISTOPHER D. MUNN Date: 03/01/2024



NO.	BY	DATE	REVISIONS

PART OF N1/2 OF NW1/4 OF  
SEC. 31, T108N, R14W  
OLMSTED COUNTY, MN

FILE NO.  
OB 177260 CS  
CLIENT CODE  
OBRIJ

2

2





### REQUEST TO COMBINE TAX PARCELS

Company Name: \_\_\_\_\_

I, \_\_\_\_\_ representative of business

I, John F O'Brien, Amy R Groszbach owner(s) residential property

Request the following parcels be combined for tax purposes.

Parcel # 84.31.23 082 585

Parcel # TBD

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

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

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

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

By signing this form, you have acknowledged that you have read and understand the potential changes to your property rights.

Signature John F. O'Brien

Signature Amy R Groszbach

John Phone #: (507) 421 - 8425  
Amy phone 507 - 254 - 1059

Return to: Olmsted County PRL  
151 4<sup>th</sup> St SE  
Rochester, MN 55904  
Phone: 507 328-7670

Fill out – sign-scan form: drop off, mail or email to: [dawn.campion@olmstedcounty.gov](mailto:dawn.campion@olmstedcounty.gov)

Staff: Intake _____	Date: _____
<input type="checkbox"/> Same Name	Plat #: _____
<input type="checkbox"/> Delinquent taxes	TIF Dist
<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
Two _____	Sec _____
School Dist _____	Special Assessments
<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no



December 14, 2023

John O'Brien  
8484 60th Ave NW  
Oronoco, MN 55960

**RE: Variance Request #OR2023-0008VAR**

On December 11, 2023, the Oronoco Town Board **approved** the above noted variance request with the following condition:

**Prior to any building or zoning permit application for the "remaining parcel", the applicant shall apply for a lot combination form to combine the remaining parcel and adjacent parcel (84.31.23.082585) both owned by the applicant, to meet A-2 farm parcel regulations and be designated as non-buildable.**

You may now apply for a zoning certificate/building permit if you haven't already done so. If you have any questions regarding submittal requirements or have a general inquiry pertaining to your application, please contact office at (507) 328-7100.

Sincerely,

*Sara Borgus*

Sara Borgus  
Olmsted County Planning Department

Enclosure

CC: Township Town Board Chair & Supervisors <sup>③ another application - final app.</sup>

~~Alija~~  
~~De~~  
Bosco - planner

Form for Property Office  
Record

Lot combination - tilable <sup>①</sup> Property appraisers  
House/barn - split <sup>10 business days</sup> <sup>town office</sup>

508C December 14, 2023

② Meet + Bands not 7 but step 2  
a. Survey people - meet  
b. draft fees - lawyer not signed into trust  
c. Final application

Page 1 of 1

Oronoco Town Board  
Monthly Meeting Minutes  
December 11, 2023

Minutes of the regularly scheduled meeting of the Oronoco Town Board held on **Monday, December 11, 2023** at 5:30 p.m. at the Oronoco Community Center, located at 115 Second Street SW, Oronoco, Minnesota.

Supervisor Ken Mergen called the meeting to order at 5:35pm.

**Pledge of Allegiance**

**Supervisor Matzke made a motion to accept the agenda as written, second by Supervisor Mergen. The motion carried unanimously.**

**OR2023-008VAR, O'Brien**

**Prepared by:** Olmsted County Planning Department Staff

**Request:** A variance to allow an additional non-farm dwelling within the NW 1/4 of NW 1/4 of Section 31 T108N R14W, Oronoco Township.

**Location:** The parcel is located on 60th Ave NW Oronoco, MN 55960.

**Applicant:** John O'Brien- located at 8484 60th Avenue NW Oronoco, MN 55960

**Staff Findings:**

**A. Criteria for Granting a Variance:** A variance may be granted only when the applicant for the variance establishes that there are practical difficulties in complying with the official control. Economic considerations do not constitute practical difficulties. The Board of Adjustment must find evidence that all of the following facts and conditions exist:

**1. There are extraordinary conditions or circumstances, such as irregularity, narrowness, or shallowness of the lot or exceptional topographical or physical conditions which are peculiar to the property and do not apply to other lands within the neighborhood or the same class of zoning district;** *Staff Finding:* There are no extraordinary conditions or circumstances particular to this parcel. The parcel currently meets the required minimum lot size for a farm parcel in the A-2 zoning district, does not contain significant environmental features, and the parcel's configuration is similar to the surrounding parcels also zoned A-2. The absence of extraordinary constraints does not suggest increased density is warranted.

**2. The extraordinary conditions or circumstances are due to circumstances unique to the property not created by the landowner;** *Staff Finding:* Extraordinary conditions or circumstances were not identified on the property.



**3. The variance is necessary to overcome practical difficulties in complying with the zoning ordinance so that the property can be used in a reasonable manner not permitted by the ordinance;** *Staff Finding:* The variance request is reasonable – one additional non-farm parcel would be created, plus an additional building site could be created from the remaining parcel.

**4. The variance will not be materially detrimental to the public welfare or materially injurious to other property in the area and will not alter the essential character of the locality;** *Staff Finding:* The variance would not be materially detrimental to the public welfare or materially injurious to other property in the area. The surrounding area is predominately one non-farm dwelling and farm within a quarter/ quarter section.

**5. The variance is in harmony with the general purpose and intent of this ordinance;** *and Staff Finding:* The request is not in harmony with the general purpose and intent of the zoning ordinance, which is to ensure lot size restrictions in the A-2 district, in order to keep density low for agriculture preservation and future orderly expansion.

**6. The terms of the variance are consistent with the Comprehensive Plan.** *Staff Finding:* Per Olmsted County General Land Use plan, encourages preservation of prime agricultural lands. Although, Urban Service Area allows for limited non-farms development, increased density of non-farm lots can negatively affect surrounding agricultural operations and farmland.

**Staff Recommendations:**

The Olmsted County Planning Team has reviewed the Variance request in accordance with the Oronoco Zoning Code Ordinance and based on Section 4.08 Based on findings required for variance approval, staff recommends **denial** of the requested variance. The Olmsted County Planning Team recommends that criteria #1 and #5 are not met. If the Oronoco Board of Adjustments chooses to approve this variance, staff recommends the following condition:

1. Prior to any building or zoning permit application for the "remaining parcel", the applicant shall apply for a lot combination form to combine the remaining parcel and adjacent parcel (84.31.23.082585) both owned by the applicant, to meet A-2 farm parcel regulations.

Allison Sosa, Associate Director for Olmsted County Planning Department, presented to the board and stated that this is a unique parcel of property. The applicant has already subdivided the property to create a non-farm parcel within the quarter/quarter section of property. Since the non-farm parcel already exists in the quarter/quarter there must be a variance for the land to be subdivided again.

**Supervisor Mergen opened the public hearing for OR2023-008VAR, O'Brien.**  
Supervisor Mergen asked for comments for or against **OR2023-008VAR O'Brien.**

John O'Brien, 8484 60<sup>th</sup> Ave NW, Oronoco, spoke for the variance. Mr. O'Brien stated that the request was never for another parcel to build on, he would like the property lines changed. He

stated he owns 65 acres of land. He has approximately 35 acres with the building site and an additional parcel of about 30 acres to the south. He would like the building site split from the farm land to make it easier for his son to purchase the property in the future. He would agree to making the farm land non buildable if the variance is granted as he has no intention of building on it.

Supervisor Johanningmeier asked how many acres are tillable. Mr. O'Brien stated that he has 43 acres of tillable land.

Olmsted County Planner, Ali Bosco, reminded the board that this variance is only looking at the 40 acres. The additional tillable acreage was not included in the variance. Planner Sosa stated that when you look at a zoning code you have to look at all aspects of it. Per the code, in an A1 zone, there can be one non-farm lot per quarter-quarter section.

Joan Ries, 5660 85<sup>th</sup> St NW, Oronoco, asked if the two large parcels were joined, would there need to be another variance. Planner Ali Bosco stated that there would still be a need for a variance.

Planner Sosa mentioned to the board that there would possibly be extra density because a farm building could go on the split site.

Supervisor Johanningmeier asked if there could be a condition to the variance. Planner Sosa said there could be, but it may get a bit messy.

Supervisor Mergen asked two more times for anyone to speak for or against **OR2023-008VAR, O'Brien**, hearing no further comment, the public hearing was closed.

Supervisor Mergen stated that we need to begin limiting access and stated he thinks we should deny the variance based on Olmsted County Planning recommendations.

**Supervisor Johanningmeier made a motion to accept OR2023-008VAR, O'Brien that combines the two agriculture parcels, keeps them non buildable and low density, and make the smaller parcel the buildable lot, second by Supervisor Matzke. Supervisors Matzke and Johanningmeier voted to approve; Supervisor Mergen voted against the motion.**

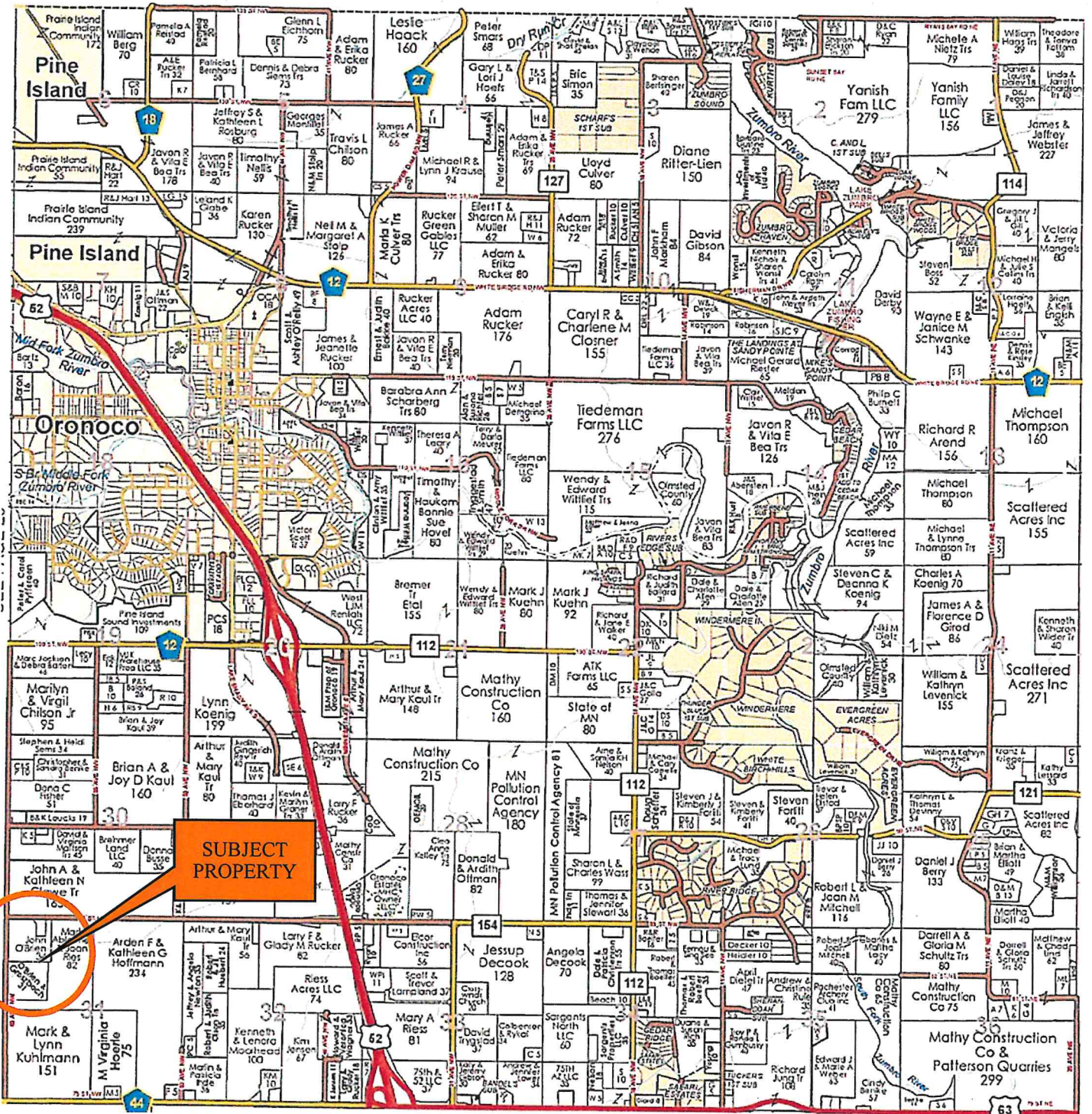
### **Driveway Permit Application**

Supervisor Matzke developed the access permit and the driveway permit application. Supervisor Mergen suggested a change from distance to length on the driveway permit application. Clerk Schroeder will make this change and email it to the supervisors. Supervisor Mergen said he thought this should be added on to roads and he would take care of the permit and application process. Clerk Schroeder will send forms to residents upon request.

### **Road Report**



# PLAT MAP



## LEGAL DESCRIPTION:

Parcels #: 843122053554 and 843123082585

TCPA  
 4111 11th Avenue SW  
 Rochester, MN 55902  
[www.tcpamn.org](http://www.tcpamn.org)  
 507-529-0774



# Legal Description

Parcel #: 843122053554

SECT-31 TWP-108 RANGE-014 34.00 AC TH PT N1/2 NW1/4 DES AS FOL COM AT NECOR  
W1/4 TH W1219.06FT AL N LINE SD 1/4 FOR PT OF BEG TH CONT W159.33FT TH S515FT TH  
W 279.34FT TH N345FT TH NW243.38FT TO N LINE NW1/4 TH W691.26FT AL SD N LINE TO  
NWCOR NW 1/4 TH S1260.04FT AL W LINE NW1/4 TO N LINE S80A NW1/4 TH E1304.48FT AL  
SD N LINE TH N1253.64FT TO PT OF BEG SEC 31 108 14

Parcel #: 843123082585

SECT-31 TWP-108 RANGE-014 31.48 AC TH PT NW1/4 SEC 31 DES AS FOL COM SWCOR  
NW1/4 TH N 89 DEG 49'18"E AL S LN NW1/4 1213.17FT TH N 01 DEG 33'54"E 260.86FT TO  
THE POB TH N 01 DEG 33'54"E 1120.80FT TO N LN S 80 ACRES NW1/4 TH S 89 DEG 49'18"W  
1242.14FT TO W LN NW1/4 TH S 00 DEG 21'48"W AL W LN 1108.81FT TH S 89 DEG 38'12"E  
1218.59FT TO THE POB SEC 31-108-14

TCPA  
4111 11th Avenue SW  
Rochester, MN 55902  
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# AERIAL PHOTO MAP



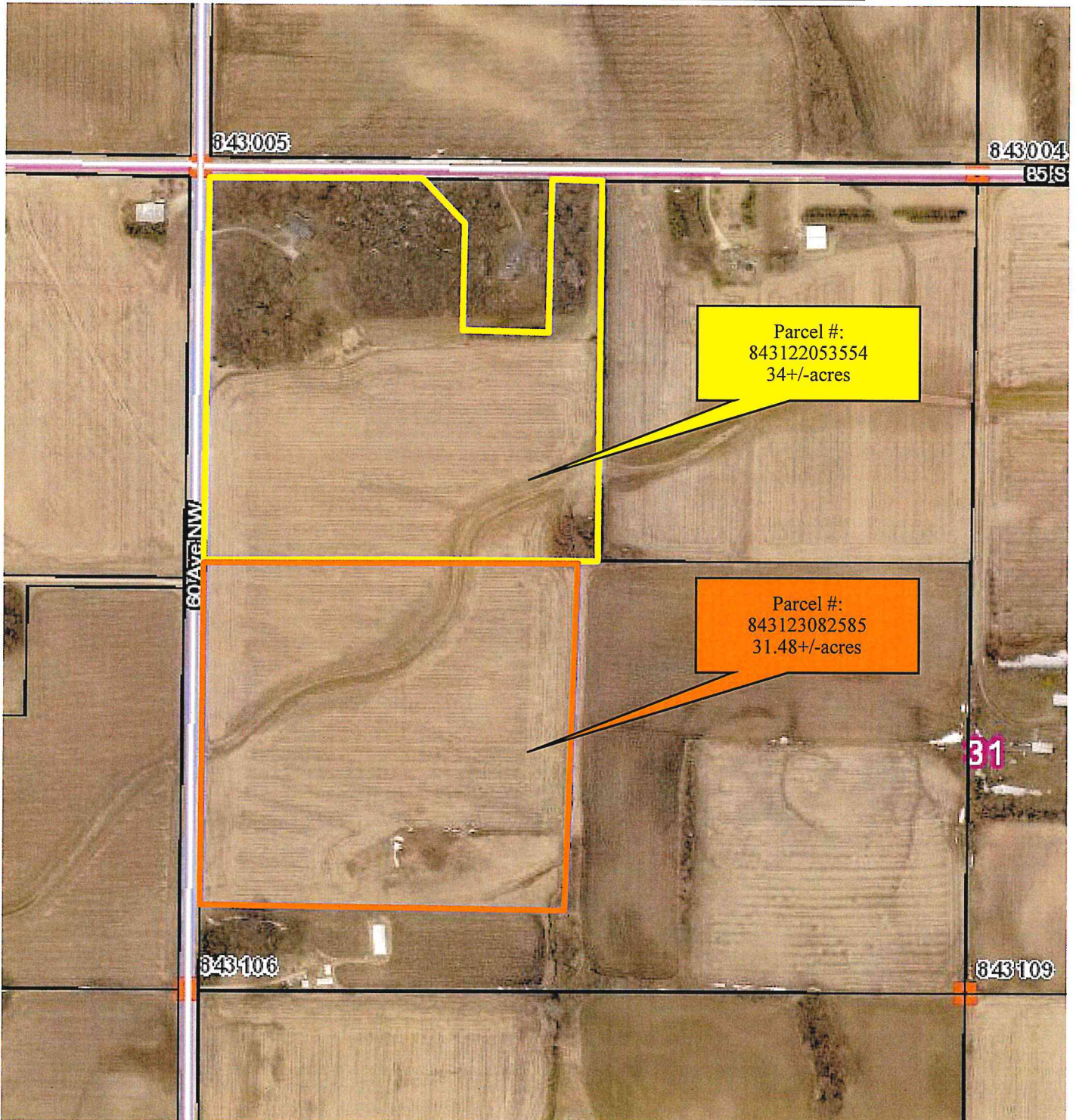
LEGAL DESCRIPTION:

Parcels #: 843122053554 and 843123082585

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# EXISTING PARCEL MAP



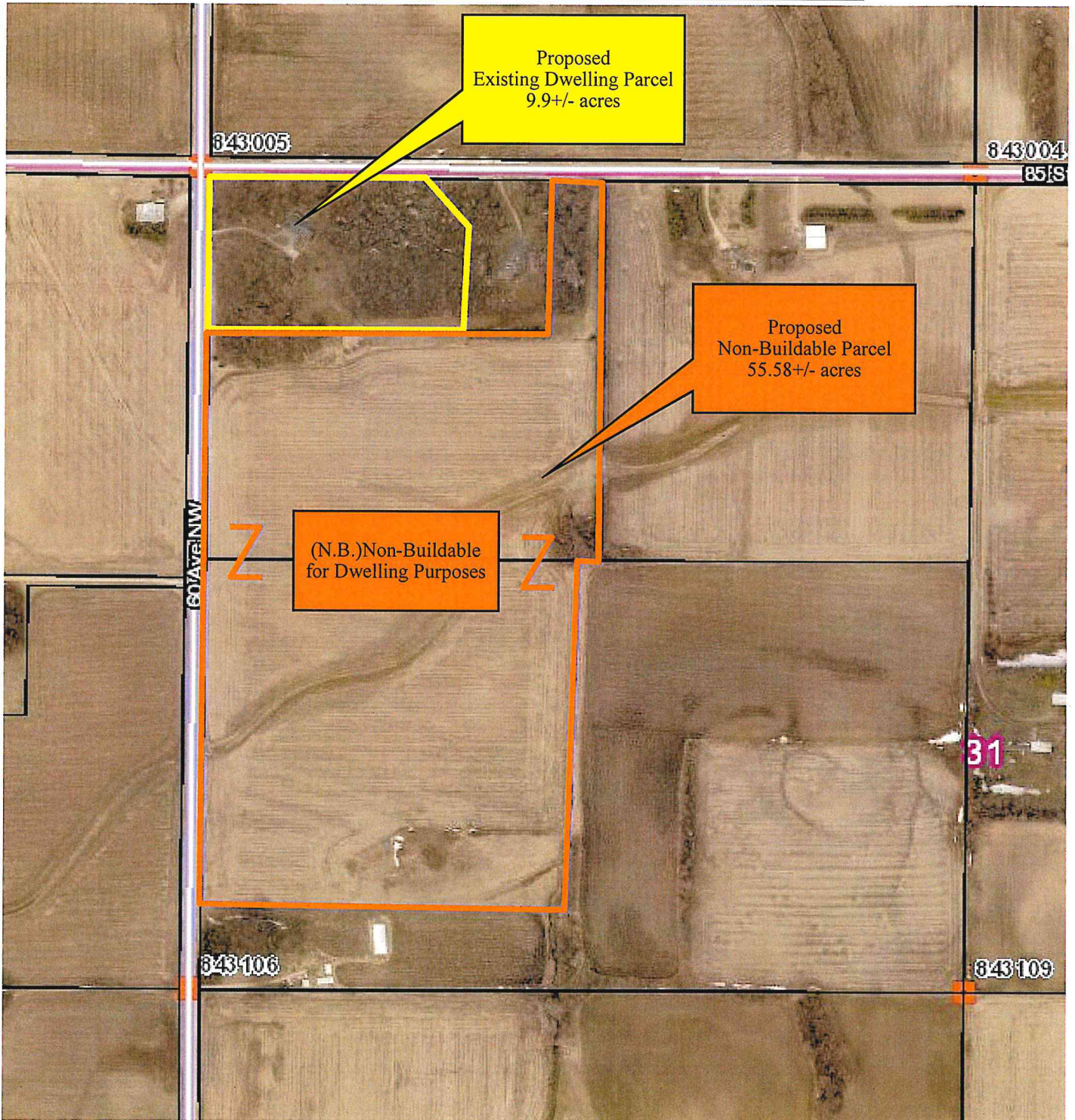
LEGAL DESCRIPTION:

Parcels #: 843122053554 and 843123082585

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# PROPOSED PARCEL MAP



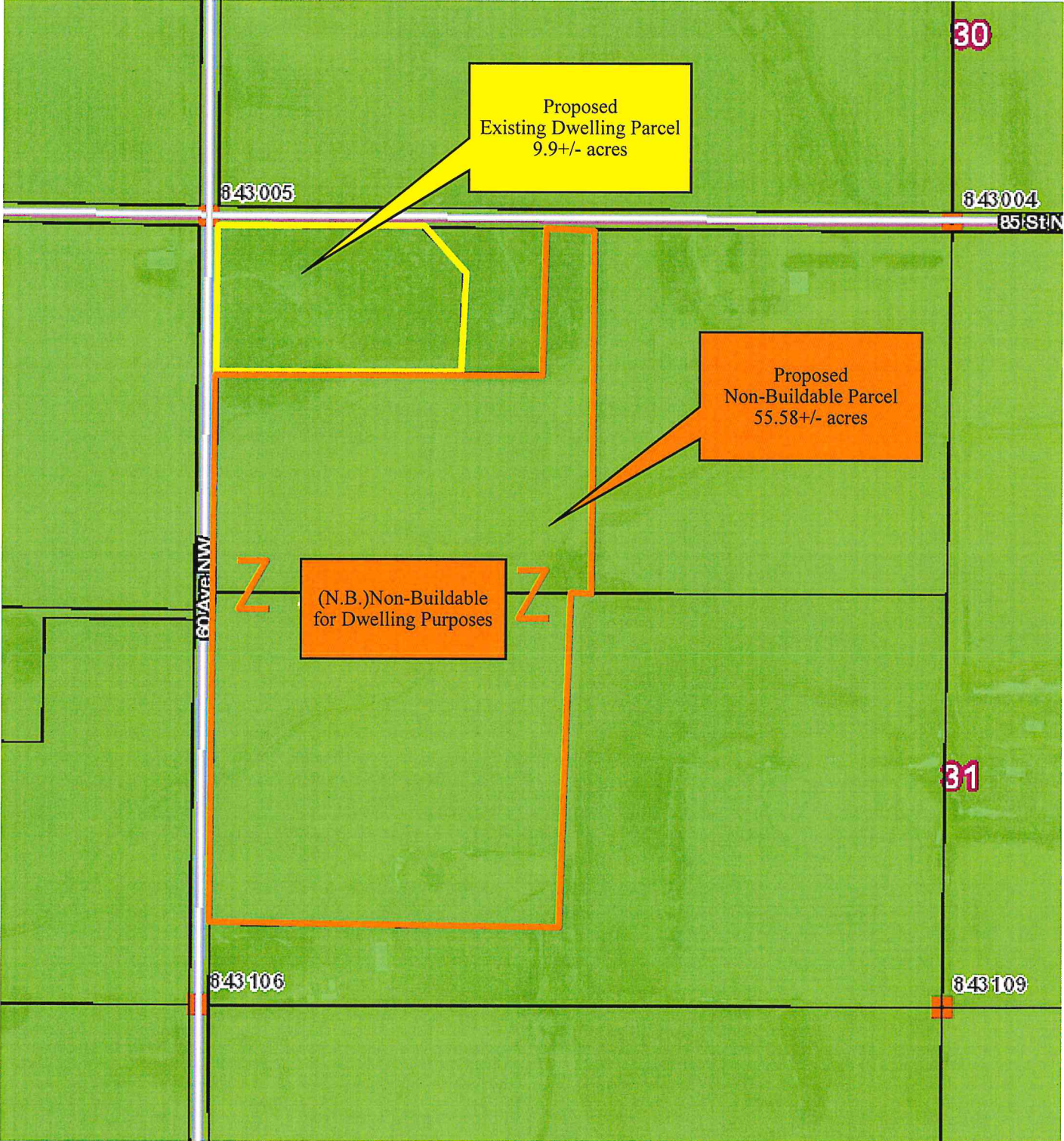
LEGAL DESCRIPTION:

Parcels #: 843122053554 and 843123082585

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# ZONING MAP



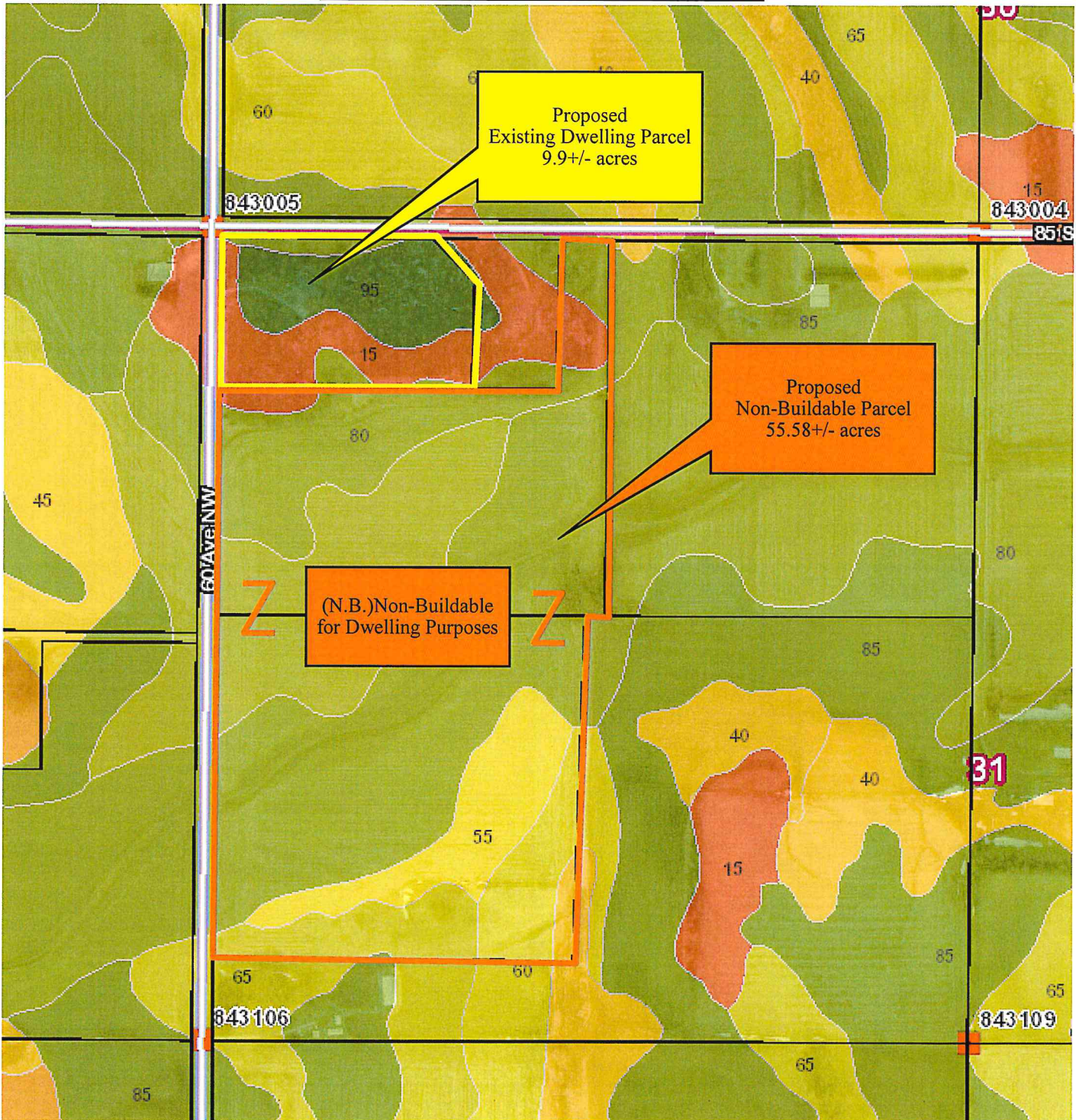
LEGAL DESCRIPTION:

Parcels #: 843122053554 and 843123082585

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# SOIL CER MAP



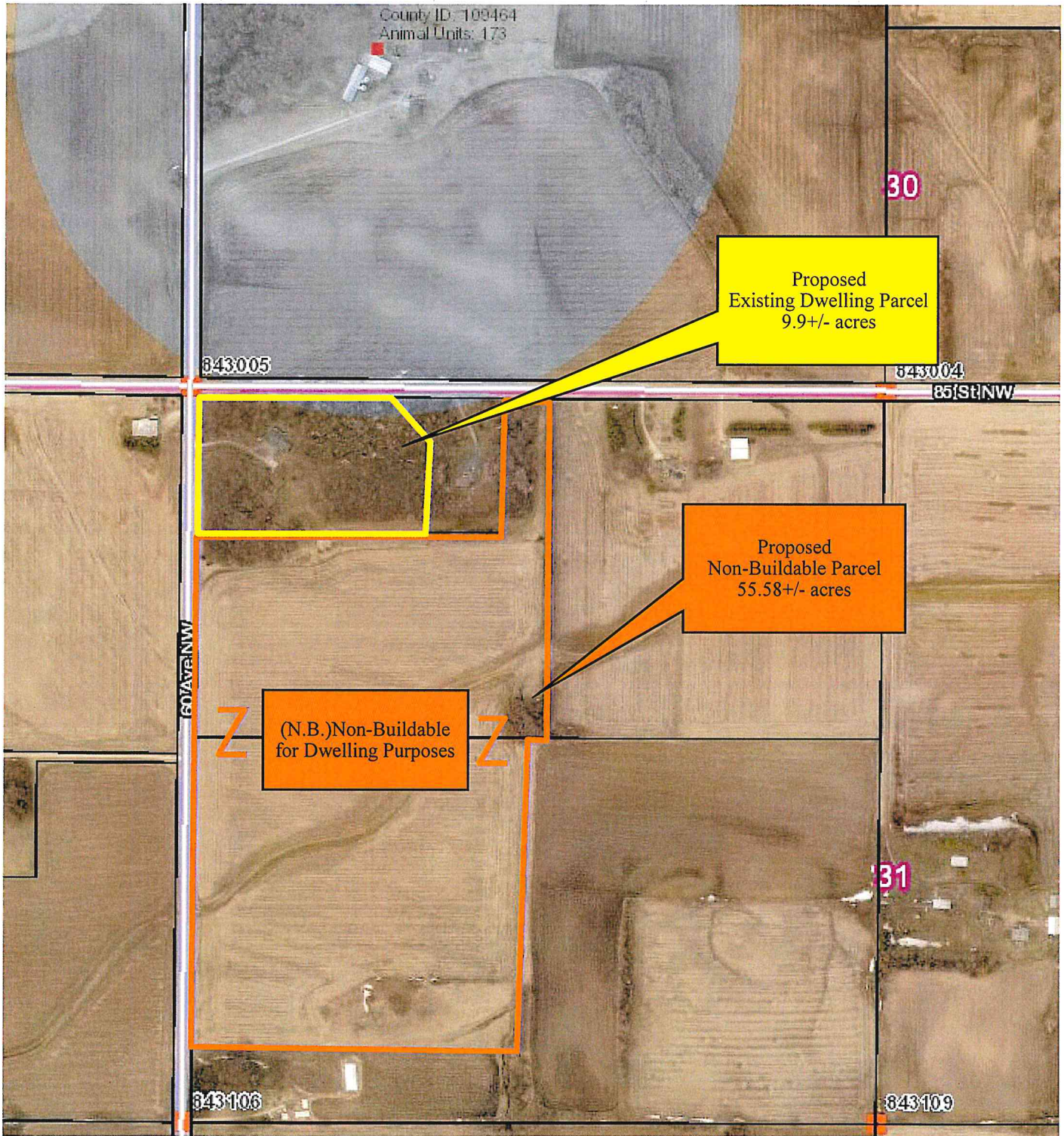
LEGAL DESCRIPTION:

Parcels #: 843122053554 and 843123082585

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# FEEDLOT BUFFER MAP



LEGAL DESCRIPTION:

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