Blue Earth County Planning Commission Members:

AGENDA
Blue Earth County Planning Commission
Regular Meeting
Wednesday, August 13, 2014 - 4:30 PM
Blue Earth County Commissioners Room
County Courthouse, 204 South Fifth Street, Mankato, Minnesota

Anyone speaking to the Planning Commission shall state their name and address for the record.
Thank you.

1. CALL TO ORDER

2. APPROVAL OF MINUTES – July 2, 2014 Regular Meeting

3. APPROVAL OF AGENDA

4. OLD BUSINESS

5. NEW BUSINESS

PC 15-14
David Lynch - Request for a conditional use permit to construct one total confinement cattle barn capable of holding 200 head of finishing cattle (200 animal units). The proposed barn will include an on-floor manure pack. The request also includes the addition of a new concrete manure stacking slab. Said request will increase the total animal units for the site to 850. The property is zoned agricultural and is located in the Northeast Quarter of the Southwest Quarter of Section 27, McPherson Township.

5. OTHER BUSINESS

6. ADJORNMENT

All agenda items will be heard by the County Board of Commissioners at 9:30 A.M., Tuesday, August 26th, 2014 in the Commissioners Room, Blue Earth County Courthouse, 204 South Fifth Street, Mankato, Minnesota.
1. **CALL TO ORDER**
   The meeting was called to order at 8:02 p.m. by Lyle Femrite. Planning Commission members present were Kurt Anderson, Kip Bruender, Lyle Femrite, Chuck Grams, Berry Jacques and Perry Wood. County staff members Mark Manderfeld, Mike Schulte, Owusua Yamoah and George Leary were also present.

2. **APPROVAL OF MINUTES**
   Mr. Grams made a motion to approve the minutes from the June 4, 2014 Regular Planning Commission Meeting. Mr. Jacques seconded the motion which carried unanimously.

3. **AGENDA APPROVAL**
   Mr. Leary indicated there were no changes to the agenda.

4. **NEW BUSINESS**

   **PC 12-14**
   **Marcia Dahle and Barbara Jans** – Request for a Conditional Use Permit to transfer a development right from the Northeast Quarter of the Northeast Quarter of Section 20, Rapidan Township to the Northwest Quarter of the Northwest Quarter of Section 21, Rapidan Township for the purpose of creating a second residential dwelling site within the Quarter-Quarter. Both Quarter-Quarter Sections are Zoned Conservation and Shoreland.

   Ms. Yamoah presented the staff report.

   The applicants were represented by their brother Karl Bindig. Mr. Bindig indicated to the Commission that their purpose for the TDR request is to settle the estate left by their father.

   Ray Cornelius was present on behalf of the Township. Mr. Cornelius indicated the Township Board had no objections to the request.

   There was no public comment.

   Mr. Anderson stated it was a fairly straight forward request and followed by making a motion to forward a recommendation of approval of the request to the County Board.

   Mr. Brunder seconded the motion which carried unanimously.

   **PC 13-14**
   **Charlie Anderson and Mollie Lamont** – Request for an after-the-fact Conditional Use Permit for a grading and filling project for the placement of 230 cubic yards of fill. The property is located in the Rural Townsite Zoned District as well as the Urban Fringe Overlay District to the City of Madison Lake and the Shoreland Overlay District in the Southwest Quarter of the Northeast Quarter of Section 28, Jamestown Twp.

   Mr. Manderfeld presented the staff report.
Charlie Anderson was present and had no additional comment.

There was no representation by the Township and no other public comment.

Mr. Anderson stated that the applicant appears to be willing to work with staff and followed by making a motion to forward a recommendation of approval of the request to the County Board.

Mr. Brunder seconded the motion which carried unanimously.

PC 14-14
Garrett Ulrich – Request for a Conditional Use Permit to construct one total confinement swine finishing barn with a below-barn liquid manure storage area capable of holding 1,200 finishing pigs. Said request will increase the total animal units for the site to 990. The site is located in the Conservation District in the Southwest Quarter of the Northwest Quarter of Section 35, Rapidan Township.

Mr. Schulte presented the staff report.

The applicant was present and had no additional comment.

Ray Cornelius was present on behalf of the Township. Mr. Cornelius indicated the Township Board had no objections to the request.

There was no public comment.

Mr. Leary advised the Commission of the possibility that the barn may possibly be rotated to a north-south layout and asked the Commission if they had any issue with that possibility. The Commission had no issue with that possibility.

Mr. Bruender made a motion to forward a recommendation of approval of the request to the County Board.

Mr. Grams seconded the motion which carried unanimously.

5. OTHER BUSINESS

Mr. Leary advised the Commission that Ms. Yamoah would soon be leaving her internship position with the county. Ms. Yamoah told the Commission of her future plans to pursue her PhD degree in urban studies at Toledo Ohio. The Commission thanked her for her service to the county and wished her well in her future endeavors.

7. ADJOURNMENT

There was no further business. Mr. Grams made a motion to adjourn the meeting which was seconded by Mr. Jacques and the meeting was adjourned at 8:31 p.m.
Applicant
David Lynch
17008 618th Ave
Pemberton, MN 56078

Request and location
Request for a conditional use permit to construct one total confinement cattle barn, with an on-floor manure pack, capable of holding 200 head of finishing cattle (200 animal units). The request also includes the addition of a new concrete manure stacking slab. Said request will increase the total animal units for the site to 850. The site is located the Agriculture District in the Northeast Quarter of the Southwest Quarter of Section 27, McPherson Township.

Legal Description
Part of the Northeast Quarter of the Southwest Quarter of Section 27, McPherson Twp.

Zoning
Agriculture

General Site Description and Project Proposal
The existing property consists of 70.0 acres and has a residence, multiple outbuildings, open cattle lots, two cattle barns, and three total confinement swine barns. The site has an existing county feedlot permit for 678 animal units. The proposed barn will have a 200 animal unit capacity and will be replacing an existing open lot and two smaller cattle shelters, resulting in a 172 animal unit increase to 850 total animal units for the site.

The proposed barn is 45 feet by 200 feet and will have a solid concrete floor. Manure from the cattle will be removed as necessary and stockpiled on the proposed stacking slab or field applied. Manure may be temporarily stockpiled in agricultural fields prior to land application if it meets the MPCA’s stockpiling requirements, which include being able to hold a 3:1 horizontal to vertical slope and having a solid content of at least 15%.

The applicant currently uses a rendering service to dispose of livestock mortalities from the site.

Project Outcome
If approved, the request will allow for the construction of one total confinement cattle barn with a dry manure handling system capable of holding 200 finishing cattle. The request will also allow for the construction of a new concrete manure stacking slab that will provide dry-manure storage for the site. The new barn and rearranging existing facilities will increase the total animal units for the site to 850.

Land Use Plan
The Conditional Use is consistent with the goals and policies established in the Blue Earth County Land Use Plan.
Existing Land Use within 1/2 Mile
North: State Highway 83 and cropland.
South: Applicant’s residence (approx. 400 feet), cropland, County Ditch 1, and 169th Street (a township road).
East: 618th Ave (a township road), State Highway 83, and cropland.
West: Cropland, County State Aid Highway 14, and two residences (approx. 2,200, 2,600 feet).

Access Road
No changes in access points are proposed. Current access is to and from 618th Ave.

MANURE MANAGEMENT – The applicant has submitted a manure management plan that meets MPCA requirements. Manure will be scraped from the cattle areas and stockpiled or land applied, depending on field conditions.

Method of Manure Application
Manure from this site will be applied to agricultural fields by various broadcast methods. Other methods of manure application may be used, provided all applicable MPCA and county requirements are met.

NATURAL RESOURCES INFORMATION
Predominate Soils
The Blue Earth County soil survey indicates the primary soil series is Marna silty clay loam. The Marna series consists or poorly drained soils with slopes from zero to two percent. The depth to the seasonal high water table is about 6-18 inches.

Area Water Features
County Ditch 1 is approximately 900 feet southeast of the proposed barn and manure storage area.

Topography
The topography of the proposed feedlot is relatively flat. See attachment A-3.

Floodplain
According to the 2011 FEMA Preliminary Flood Maps, the proposed barn will not be in a floodplain. See attachment A-4.

Shoreland
The proposal is not located within the shoreland district. See attachment A-5.

Tile Inlets
The nearest surface tile inlet is approximately 260 feet south of the proposed manure storage area. There is no required setback from a tile inlet to a permanent manure stockpiling area, provided that the permanent stockpiling site is located and constructed
such that manure-contaminated runoff from the site does not discharge to waters of the state.

**Depth to Bedrock**
Depth to the bedrock is approximately 151-200 feet, according to the 2012 Geologic Atlas of Blue Earth County.

**Township Review**
The applicant has met with the township. A letter dated July 10th, 2014 Bernard Westphal, McPherson Township Clerk, indicated the township board had no objections to the request as long as all county regulations are followed.

**Environmental Health Staff Comments**
See attachment A-6.

**Standards for Granting a Conditional Use Permit Section 24-47 (f) (1) items a through o of the Code of Ordinances** Staff believes the request will meet the following standards required for the granting of a conditional use permit:

a. That the proposed use conforms with the county land use plan.

b. The demonstrated need for the proposed use.

c. That the proposed use will not degrade the water quality of the county.

d. That the proposed use will not adversely increase the quantity of water runoff.

e. That soil conditions are adequate to accommodate the proposed use.

f. That the proposed use does not create a potential pollution hazard.

g. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

h. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

i. That facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.

j. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

k. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.

l. That adequate measures have been or will be taken to prevent or 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.
m. (N/A) That the density of proposed residential development is not greater than the density of the surrounding neighborhood or not greater than the density indicated by the applicable zoning district.

n. (N/A) That the intensity of proposed commercial or industrial development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable zoning district.

o. That site specific conditions and such other conditions are established as required for the protection of the public's health, safety, morals and general welfare.

**RECOMMENDATION**

Staff recommends **approval** for Conditional Use Permit PC 15-14 to construct one total confinement cattle barn capable of holding 200 finishing cattle or 200 animal units and to increase the total animal units for the site to 850, contingent upon the following conditions:

1. That the total confinement barn conforms to the site plan attached to this report PC 15-14.

2. That the feedlot be located on a single, legally described parcel consisting of a minimum of 10 contiguous acres. The parcel shall be a parcel of record, properly recorded in the Blue Earth County Taxpayer Services Office.

3. That the applicant must amend their existing Blue Earth County Feedlot Permit before any animals are placed in the proposed barn.

4. That the applicant obtains a Blue Earth County Construction Permit before building begins and within one (1) year from the date the County Board of Commissioners approves the Conditional Use Permit. The permit shall be rendered invalid if application for a Construction Permit is not made within this one (1) year period. Time extensions for Conditional Use Permits must be obtained from the County Board of Commissioners subsequent to a public hearing conducted by the Planning Commission.

5. If required by the Department of Natural Resources, the applicant shall obtain a DNR “Water Appropriations Permit” before any animals are placed in the barn.

6. The application of manure shall comply with standards set forth by the MPCA and the County. The applicant must review and update their Manure Management Plan annually. Records of manure transfer shall be maintained as required by the MPCA. Manure application setbacks shall be followed as required by the MPCA and the County.
7. That the disposal of livestock mortality be consistent with the Minnesota Board of Animal Health regulations, and when rendering is used as a mortality disposal the applicant shall provide an enclosed location for the pick-up.

8. That adequate measures be taken to minimize or control offensive odor, fumes, dust, noise, or vibrations so that none of these will constitute a nuisance.

9. That all manure storage structures must meet MPCA design requirements.

10. That the applicant complies with the storm-water control requirements established by the MPCA.

11. That MPCA construction BMP’s be followed including erosion control measures.

12. That all exposed earthen surfaces be seeded into grass or utilized as crop acreage.

ATTACHMENTS
A-1 General Location Map
A-2 Site Plan
A-3 Topography Map
A-4 Floodplain Map
A-5 Shoreland Map
A-6 Environmental Health Review
Attachment A-1
General Location Map

McPherson
T 107 N - R 25 W

SITE
Disclaimer: This map was created using Blue Earth County’s GIS and was created for specific internal County uses. It is intended to be used for reference purposes only and does not represent a land survey. No liability is assumed for the accuracy of the data delineated herein, either expressed or implied by Blue Earth County or its employees.
Attachment A-5
Location of Shoreland Districts

Proposed Conditional Use Permit

Shoreland District
(300 Feet from a Protected Stream)

Parcel
Protected Stream

Source: County Aerial Photo - 2013
Prepared By: Blue Earth County Environmental Services
July 2014
A-6 Environmental Health Review
BLUE EARTH COUNTY
ENVIRONMENTAL SERVICES
Government Center, 410 South Fifth Street
P.O. Box 3566, Mankato, Minnesota 56002-3566
Phone: (507) 304-4381 Fax: (507) 304-4431

Environmental Health Section - Planning Application Reviews

Date Printed: August 07, 2014  Permit Number: PL2014039
Property Owner: LYNCH DAVID J  Applicant: LYNCH DAVID J
Parcel Number: R45.15.27.300.006  File ID: PC 15-14

Application Description: Request for a conditional use permit to construct one total confinement cattle barn, with an on-floor manure pack, capable of holding 200 head of finishing cattle (200 animal units). The request also includes the addition of a new concrete manure stacking slab. Said request will increase the total animal units for the site to 850. The property is zoned agricultural. The site is located in the Northeast Quarter of the Southwest Quarter of Section 27, McPherson Township.

Septic Review
Status: Complete - No Comments
Comments: After reviewing David Lynch's parcel and the status of his Septic System, it looks as though his system is not due for a compliance check until 2015. After reviewing the site map and aerial imagery it looks as though minimal effort would be required finding land base for a secondary drainfield in future years. Anderson, Jesse 08/06/2014 5:03 PM

Well Review
Status: Complete - Comments Received
Comments: The enclosed site plan indicates one in-use well and two sealed wells. The in-use well, unique # 529811, was drilled in 1995 by Baer Well Drilling. The sealed well located just south of the house, unique # H64710, was properly sealed in 1995 and the wellnorth of the house, unique # H116372, was properly sealed in 2000. The proposed construction does not appear to create a negative impact to the known well situation on this property. grant 08/01/2014 4:33 PM

Wetland Review
Status: No comments received.
Comments: