Blue Earth County Planning Commission Members:
Chair Lyle Femrite, Kurt Anderson, Bill Anderson, Kip Bruender,
Barry Jacques, Michael Riley and Joe Smentek.

AGENDA
Blue Earth County Planning Commission
Regular Meeting
Wednesday, December 4, 2019 - 7:00 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 – September 4, 2019 Regular Meeting

3. APPROVAL OF AGENDA

4. NEW BUSINESS

PC 23-19
Robert & Michele Schroeder - Request for review and approval of a Conditional Use Permit to operate a Reception/Banquet/Meeting facility. The property is zoned Agricultural and is located in the Southwest Quarter of the Southeast Quarter of Section 3, Lincoln Township.

PC 24-19
Patrick & Gail Caven and Jon Kietzer and Gordon & Dorothy Kopischke - Request for review and approval of a Conditional Use Permit to Transfer a Residential Development Right. The Sending Quarter-Quarters is zoned Agricultural and the Receiving Quarter-Quarter is zoned Conservation. The Receiving Quarter-Quarter also has an area within the Shoreland Overlay District of the Blue Earth River. This request will send the Residential Development Right from the Northeast Quarter of the Southwest Quarter of Section 35, Vernon Center Township to the Southeast Quarter of the Northwest Quarter of Section 35, Vernon Center Township.

PC 25-19
Donavon Appel & Arlene Speck and Daniel Appel - Request for review and approval of a Conditional Use Permit to construct and operate one new total confinement swine finishing facility capable of holding 3,000 pigs between 55 and 300 pounds or 1,200 Blue Earth County defined animal units (900 state defined animal units). The proposal will utilize a below-barn concrete liquid manure storage area. The site is zoned Agricultural and is located in part of the Southeast Quarter of the Southeast Quarter of Section 13, Lyra Township.
5. **OTHER BUSINESS**  
a. Update/Review of County Board action items from the previous Planning Commission meeting:  
- **Michael & Susan Jaeger and Eric Jaeger** – Request for review and approval of a Conditional Use Permit to expand an existing feedlot by constructing and operating one new total confinement swine finishing barn capable of housing 2,400 finishing pigs or 960 Blue Earth County defined animal units (720 state animal units). (**Approved**)  
- **Robert W. Lorentz** - Request for review and approval of a Map Amendment. The proposed Map Amendment would re-zone the eastern portion of one parcel and three additional parcels from Rural Townsite to Light Industrial to accommodate the expansion of an existing business. (**Denied**)  

6. **ADJOURNMENT**
MINUTES
Blue Earth County Planning Commission
Regular Meeting
Wednesday, September 4, 2019
7:30 p.m.

1. CALL TO ORDER
The meeting was called to order at 7:30 p.m. by Chairman Lyle Femrite. Planning Commission members present were Bill Anderson, Kurt Anderson, Kip Bruender, Lyle Femrite, Barry Jacques, Michael Riley and Joe Smentek. County staff members, Garett Rohlfing, Aaron Stubbs and George Leary were also present.

2. APPROVAL OF MINUTES
Mr. Bill Anderson made a motion to approve the minutes of the August 7th, 2019 Planning Commission meeting. Mr. Jacques seconded the motion which carried unanimously.

3. APPROVAL OF AGENDA
Mr. Leary indicated there was no change to the agenda.

4. NEW BUSINESS

PC 22-19
Michael & Susan Jaeger and Eric Jaeger - Request for review and approval of a Conditional Use Permit to expand an existing feedlot by constructing and operating one new total confinement swine finishing barn capable of housing 2,400 finishing pigs or 960 Blue Earth County defined animal units (720 state animal units). This site will utilize a below-barn liquid manure storage area. When finished the proposed expansion will have a total of 1,280 Blue Earth County defined animal units. The property is zoned Agricultural and is located in the Northeast Quarter of the Southwest Quarter of Section 08, Mapleton Township.

Mr. Rohlfing presented the staff report.

The applicants were present and had no additional comments.

There was no public comment and little discussion by the Planning Commission.

Mr. Smentek made a motion to forward a recommendation of approval to the County Board with the findings and conditions proposed by staff. Mr. Bill Anderson seconded the motion which carried unanimously.

PC 15-19
Robert W. Lorentz - Request for review and approval of a Map Amendment. The proposed Map Amendment would re-zone the eastern portion of one parcel and three additional parcels from Rural Townsite to Light Industrial to accommodate the expansion of an existing business. The proposal is within the Urban Fringe Overlay District of the City of Mankato and located in parts of the Northwest Quarter of the Southeast Quarter and the Southwest Quarter of the Southeast Quarter of Section 14, South Bend Township.
Mr. Stubbs presented the staff report.

Andrew and Nicolas Lorentz addressed the Planning Commission. They indicated one new building is planned for now. The change of access will be to McCauley Street and they will no longer use Sturgis Street. They further indicated that the expansion would allow them to do more work on their equipment in the shop without making multiple trips to and from the facility.

Debra Ziegler addressed the Commission. She submitted a letter and pictures to the Commission for review. She provided the following concerns to the Commission:
1. The applicants have not adhered to the 1981 rezoning of the property.
2. Truck traffic.
3. Employee parking.
4. Currently a large gravel pack.
5. Stockpiling of snow in the winter.
6. How have the applicants obtained other permits?
7. The applicants need to be held accountable for using a residential area for commercial purposes.
8. Approving the request will send a message indicating it is ok to violate the regulations.
9. The project area is right in the center of the neighborhood.

Robert Ziegler addressed the Commission. He explained the detrimental and physical impact on his house which has historical significance. He added that the house is the original Chapman house and is the oldest house in Blue Earth County. He added that he wants to preserve the home and is concerned with the physical threats to it with the proposed expansion of the Lorentz business.

Shirley Rosenau addressed the Commission. She indicated she had lived there since 1960 and has the right to peace. She added that rezoning the property in 1981 should not have happened. She stated there are no controls over expansion and the business has doubled over the past two years. Ms. Rosenau also expressed the following additional concerns:
1. Extra wide vehicles (trucks) are passing through the neighborhood.
2. They have many pieces of equipment, including snow removal equipment.
3. Vendor trucks are delivering to the site.
4. There should be some business restrictions.
5. Traffic goes on day and night, seven days a week.
6. Neighboring residents are being deprived of quality of life.
7. The proposal will devalue property values.
8. The area has no sidewalks.
9. Kids are playing in the streets and kids and trucks do not mix.
10. This process has begun without rezoning.
11. The proposal has environmental issues.
12. The 1981 rezone was likely a “spot zone.”
13. The proposed rezone is not consistent with neither the Urban Fringe Overlay District or the County Land Use Plan.
Bob Walsh addressed the Commission. He indicated that a utility pole would need to be moved as part of the project. He stated that the applicants are moving snow removal equipment as early as 1:00 or 2:00 in the morning.

Anna Hagen addressed the Commission. She stated that the applicants have been dumping stuff across the property line onto her property. They are operating all hours of the day and the company has grown too much.

There was no further public comment.

Mr. Femrite stated he had heard elements that were inconsistent with the area.

Mr. Bruender asked if the business might move if the request is denied.

Mr. Bruender asked if the current site has a stormwater management program. Mr. Stubbs answered no.

Mr. Bruender suggested that if the applicants did something, stormwater management would improve.

Mr. Stubbs indicated that an engineer would provide the stormwater plan for staff to review.

Mr. Bruender opined that it is a reasonable use of the property and would provide some benefit.

Mr. Femrite expressed his familiarity with the site. He added it is residential. He expressed his concern with several things staff identified as issues that suggest the proposal is not compatible in a residential neighborhood.

Mr. Bill Anderson stated that within ¼ mile of the site, there are 55 homes and there is a lot of truck traffic that will affect the residents. He added that when a business doubles or triples in size that they should not expect to operate out of the same size. He further added that it appeared to be an overload of a residential district.

Mr. Kurt Anderson agreed that the business has outgrown the location and that it will likely grow again. He added that he takes the citizens concerns seriously. He complimented staff on the report and opined that the 1981 rezone was a spot zoning error. And if perpetuated, may open the county to litigation.

Mr. Smentek stated he considers if a request fits, possibly with some controls. But this does not fit. He added that a lower intensity would work, but not at this scale. He commented that staff was right on track by recommending denial. The proposal does not fit with the County Land Use Plan.

Mr. Bill Anderson complimented the applicants for expanding their business, but agreed it is time to look for a different location.
Mr. Femrite stated the Township Board heard the request and on a local level, oppose it. He added the applicants have overgrown the site and a larger footprint would be in order.

Mr. Jacques commented on stormwater management. He indicated there is not much area to work with to hold water. He also said there are traffic issues with 9-ton streets. He also concurred with other comments.

Mr. Riley also concurred with previous comments. He added the proposal does not fit in this location.

Mr. Bruender offered that there are some opportunities for drainage improvements.

Mr. Smentek indicated there are improvements that should be made to prevent runoff from going onto neighboring properties. He added the proposal does not fit with the Land Use Plan. He followed with a motion to forward a recommendation of denial to the County Board.

Mr. Kurt Anderson asked staff if the present business is compliant with the county regulations.

Mr. Stubbs stated that the building constructed following the 1981 rezoning burned down and was replaced following issuance of a construction permit and the footprint of the building is compliant. He stated the applicants do not have a conditional use permit, the use predates current regulations, therefore, the use is a legal non-conforming use.

Mr. Femrite asked if there was a second to the motion.

Mr. Bill Anderson seconded the motion.

Mr. Bruender added that if a conditional use permit was presented, it would provide an opportunity to impose conditions. He acknowledged it may be the small business owner attitude from which he expressed his comments.

Mr. Femrite moved on to the vote and asked all those voting to oppose the request do so by raising their right hand. Members Bill Anderson, Kurt Anderson, Femrite, Jacques, Riley and Smentek all raised their right hands in opposition. When asked for those in favor, Mr. Bruender raised his right hand. The motion for denial was approved by a vote of six in favor to one opposed.

5. OTHER BUSINESS
   a. Update/Review of County Board action of items from previous Planning Commission meeting
      - Timothy & Rachel Wentz - Request for review and approval of a Conditional Use Permit to allow an attached Elder Care Residential Unit to be constructed onsite. (Approved)
      - Dennis Arduser - Request for review and approval of a Conditional Use Permit to operate a forklift repair and sales business as a Level II Home Occupation. (Approved)
- Staples Oil Company - Request for review and approval of a Conditional Use Permit to operate a bulk fuel sales and storage facility. (Approved)
- Florence Beyer - Request for review and approval of the Preliminary and Final Plat of the Schoneck Addition Subdivision resulting in the creation of one lot and one outlot. (Approved)

- Crystal Valley Cooperative - Request for review and approval of a Map Amendment. The proposed Map Amendment would re-zone the property from Heavy Industrial to Highway Business to accommodate a change of use. (Approved)

- Gary and Nicole Hager - Request for review and approval of a Conditional Use Permit to operate a Farm Winery. (Approved)

b. Good Thunder Compost Facility Update - Mr. Leary provided the Commission with an update he had received from Blue Earth County Waste and Recycling Specialist Molly Kjellesvig. An aeration system has been installed for the contact water pond. Water sample test results from the pond indicate the numbers are moving in the right direction. The site no longer accepts an ethanol byproduct that was suspected to be a primary contributor to the odor issues. Composting rows have been opened to allow water to drain into the contact water pond. Better housekeeping measures are in place, compost rows are turned only when necessary and the carbon ration of the compost rows has been increased. In addition, staff has found the odor to have been reduced. Mr. Leary indicated the original proposal from staff was to have odors substantially reduced prior to September 1st. The owners of the facility have advised him that the ethanol byproduct remains in the composting rows, finished product and contact water pond. As a result, there will be some remaining odors until all the product is removed and land applied. This process could take until the end of the year. The Planning Commission appeared to have no issue with the extended time period.

6. ADJOURNMENT
Mr. Jacques made a motion to adjourn the meeting. Mr. Smentek seconded the motion and the meeting was adjourned at 8:50 p.m.

_________________________________                                             ______________________
Planning Commission Chair                                                                  Date

_________________________________                                             ______________________
Planning Commission Secretary                                                            Date
Applicant & Property Owner
Robert & Michele Schroeder
49186 190th Street
Lake Crystal, MN 56055

Request and Location
Request for review and approval of a Conditional Use Permit to operate a reception/meeting facility. The property is zoned agricultural and is located in the Southwest Quarter of the Southeast Quarter of Section 3, Lincoln Township.

Legal Description
Part of the Southwest Quarter of the Southeast Quarter of Section 3, Lincoln Township.

Zoning
The property is zoned Agricultural.

General Site Description and Project Proposal
The property includes 5.0 acres and consists of one residential dwelling, and four accessory buildings, one of which will be used for the reception/banquet/meeting facility. The 140’ x 56’ accessory building located on the east side of the property will be used for the reception/banquet/meeting facility.

The business plan indicates the target market will include weddings, wedding receptions, community fundraisers, proms, parties, bridal showers, etc. The business plan also indicates that specially-designed trailers and porta potties will be utilized for restroom facilities. At least one porta potty will meet Americans with Disabilities Act (ADA) requirements.

Garbage and recycling will be the responsibility of the owner. A dumpster will be provided to accommodate garbage storage.

The applicants have provided a parking plan. The submitted business plan states they have ample space for all vehicles. See Attachment A-3

Accessibility Review and State Fire Code Review
It has not yet been determined if the facility will meet ADA and State Fire Marshall requirements. A condition is proposed that will require submittal of a report from a licensed building inspector outlining the status of the facility relative to these requirements. If deficiencies are noted, the facility shall be updated to meet the requirements and an updated report from the licensed building inspector shall be submitted to the Planning Agency documenting compliance prior to the opening of the facility.

Project Outcome
If approved, the applicant will operate a reception/banquet/meeting facility within the standards outlined in the Zoning Ordinance.
**Land Use Plan**
The Land Use Plan includes and Agricultural Goal that states: Blue Earth County will maintain its agricultural areas by limiting new development to reduce conflicts between farm and non-farm uses…

The Land Use Plan includes a Development Goal that states: The County will support orderly growth and limit development of uses that may eventually require the extension of urban utilities outside of municipal areas.

The Land Use Plan includes a Transportation Goal that states: Land use proposals as they relate to road construction, access points, and service road requirements will be tied to the County’s transportation planning efforts and will be reviewed by the applicable road authority.

**Existing Land Use within ¼ Mile**
- **North:** Cropland
- **South:** County Road 123, the Chicago and Northwestern Railroad, State Hwy 60 and cropland
- **East:** Cropland, the Chicago and Northwestern Railroad and State Hwy 60
- **West:** A grain storage facility, one residence, cropland and County Ditch #50 (an open ditch)

**Access**
No change in access is proposed. The current access to the property is to and from County Road 123.

**Topography**
The majority of the site is fairly flat. There is a slight slope leading away from the reception facility.

**Floodplain**
There is no mapped floodplain area within one mile of the project site.

**Shoreland**
The property does not contain any areas within the Shoreland Overlay District and there are no mapped shoreland areas within one mile of the project site.

**Township Review**
The applicants met with the Township Board. At the time this report was prepared, no comment had been received from the Township.
Minnesota Department of Transportation (MnDOT) Review
Staff received an email from Angela Piltaver, Senior Planner for MnDOT District 7. The November 20th email stated: After review and discussion with Planning Director, Ronda Allis, we felt that the presence of both left and right turn lanes from Highway 60, as well as additional routes that may be taken to access the site allow us to conclude that we have no objection to the proposed reception/banquet hall use on the subject property.

However, the property owner/applicant should be advised that parking in the right-of-way of State Highway 60 is not permitted. Furthermore, MnDOT will monitor the area, and should any traffic issues develop as a result of the additional use, MnDOT may require changes for which the property owner may be required to bear some of the costs to correct.

Blue Earth County Public Works Department Review
Staff received an email from Ryan Thilges, Blue Earth County Engineer / Public Works Director. The November 22nd email stated: Given the low traffic volumes on CR 123, we do not have any objections to the proposed revisions. In addition, Mr. Thilges stated there may be no parking on CR 123.

Environmental Health Staff Review
See Attachment A-4

Parking Review
The applicants have indicated there is adequate off-street parking. Specific parking standards for a reception facility are not included in the County Ordinance. As a comparison, staff used the requirements listed in the ordinance for restaurant, café, nightclub, tavern or bar which requires one parking space for each four seats based on design capacity, plus one parking space for every two employees. With an occupancy of 600 people, 150 parking spaces are required. Using the parking areas indicated by the applicants, staff calculated approximately 114 spaces available. This calculation was based upon the minimum area of 300 square feet per space as outlined in the ordinance. This compares to 171 square feet per parking space in the recently constructed parking ramp near the County Government Center.

APPLICABLE SECTIONS OF THE CODE OF ORDINANCES
DIVISION 2. A AGRICULTURE DISTRICT
Sec. 24-111 Purpose.
(a) Preservation of agriculture land. The intent of this A district is to allow extensive areas of the county to be preserved for agricultural related uses.
(b) *Agriculture operations.* Through the adoption of this subsection, the Board of Commissioners is expressing its intent to enhance and encourage agricultural operations within the boundaries of the County. The County will view the agriculture district as a zone in which land is used for commercial agricultural production. Owners of property, residents, other users of property in the agriculture zone, and neighboring properties adjacent to the agriculture zone may be subjected to inconvenience or discomfort arising from normal and accepted agricultural practices and operations including, but not limited to; noise, odors, dust, operation of aircraft and late night operation of farm machinery, the storage and application of manure, fertilizers, soil amendments, herbicides and pesticides associated with normal agricultural operations. Owners of property, residents, other users of property in the agriculture zone, and neighboring properties adjacent to the agriculture zone, should be prepared to accept such inconveniences or discomfort from normal operations, and are hereby put on official notice, pursuant to Minn. Stats. § 561.19, that this declaration may prevent them from obtaining a legal judgment against such normal operations.

Sec. 24-112 Uses.
(b) *Conditional uses.* The following uses may be allowed in the A district as a conditional use as regulated in article II of this chapter.
(24) Reception/Banquet/Meeting Halls/Retreat Centers or Facilities as regulated in Sec. 24-331.

Sec 24-331 Reception/Banquet/Meeting Halls/Retreat Centers or Facilities
This subsection addresses the performance standards for the establishment and operation of reception/banquet/meeting halls/retreat centers or facilities.
(a) Information shall be submitted to the Planning Agency in the form of a business/operations plan. Said plan shall include information regarding the services offered, types of facilities, sanitary sewer and waste disposal facilities, hours of operation and other issues relevant to the proposed use.
(b) Total maximum floor space area shall be no larger than 10,000 square feet.
(c) Retail Sales areas may include up to 10% of the floor space of the building, but may not exceed 1,000 square feet.
(d) Meal preparation areas must be licensed and approved by the Minnesota Department of Health.
(e) Bars, including lounges, nightclubs, on-sale liquor establishments, restaurants, cafés or taverns are prohibited.
(f) Lodging, camping and overnight accommodations are prohibited.
(g) The offering of food and alcohol shall only be provided by offsite catering services.
(h) Discharging of firearms is prohibited.
(i) Allowable signage shall be limited to an illuminated 32 square foot sign located on the property.
(j) There shall be no indication of offensive noise, vibration, smoke, dust, odors, heat or glare at or beyond the property line.
(k) Sites not serviced by an approved community water and sewage system must comply with county, state and federal waste disposal requirements.
(l) A transportation management plan shall be submitted to address off-street parking, the mitigation of overflow parking, traffic circulation, traffic control and the impact of the facility on surrounding roadways per Sec. 24-310.
(m) A review by the Planning Agency of the conditional use permit requirements will be mandatory within 30 days of any ownership change of property or lease agreement.
(n) Any proposed change in operation or services offered shall first receive approval of an updated conditional use permit.

Proposed Findings of Facts
After careful review of the project and all associated documents, staff has developed the following opinions for this proposal:

a) That the proposed use conforms with the county land use plan.
   *The Land Use Plan includes and Agricultural Goal that states: Blue Earth County will maintain its agricultural areas by limiting new development to reduce conflicts between farm and non-farm uses…*
   
   The applicants have lived at this location for many years and have close ties to production agriculture. In addition, the proposed use will not create additional setback requirements to routine agricultural practices. Therefore, it appears the proposed use is unlikely to create conflicts with area farm uses.

   *The Land Use Plan includes a Development Goal that states: The County will support orderly growth and limit development of uses that may eventually require the extension of urban utilities outside of municipal areas.*
   
   The proposed use will utilize porta potties and specially designed restroom trailers. Therefore, it appears unlikely that urban utilities will be necessary.

   *The Land Use Plan includes a Transportation Goal that states: Land use proposals as they relate to road construction, access points, and service road requirements will be tied to the County’s transportation planning efforts and will be reviewed by the applicable road authority.*
   
   MnDOT and the Blue Earth County Public Works Department have both indicated no objection to the request.

b) The demonstrated need for the proposed use.
   *The applicant has indicated there is a need for this type of service in the area and that people have expressed an interest in renting it for future events. The applicant believes the business will fill a void in the area and therefore has demonstrated a need for the proposed plan.*

c) That the proposed use will not degrade the water quality of the county.
   *With proper use and maintenance of the intended restroom facilities and proper garbage storage and removal, the proposed use should not degrade the water quality of the county. A specific condition has been included to address this requirement.*
d) That the proposed use will not adversely increase the quantity of water runoff.
   No new construction is proposed and there are no plans for adding graveled parking areas. Therefore, the proposed use should not adversely increase the quantity of water runoff.

e) That soil conditions are adequate to accommodate the proposed use.
   No additional construction or additional impervious surface area is proposed. A sod base has been provided for the parking areas. Therefore, it appears soil conditions are adequate.

f) That the proposed use does not create a potential pollution hazard.
   With proper use and maintenance of the intended restroom facilities and proper garbage storage and removal, the proposed use should not create a potential pollution hazard.

g) That adequate utility, access roads, drainage and other necessary facilities have been or are being provided.
   These items have already been provided for.

h) That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
   The applicants have provided areas for off-street parking. It appears there is adequate space to provide the required off-street parking for the proposed use.

i) That facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.
   MnDOT and the Blue Earth County Public Works Department have reviewed the proposal and indicated no objection. In addition, the applicant’s business plan indicates that parking attendants will be arranged by the owners. Therefore, it appears traffic issues can be avoided.

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.
   The predominant use of the area is agricultural with one neighboring residence within one quarter mile. Provided the applicants adhere to the required performance standards of the County ordinance and other State regulations, it appears as though the proposed use is unlikely to be injurious to the use and enjoyment of the property in the immediate vicinity.

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.
   The proposed business use would not change setbacks to developed or underdeveloped properties. The establishment of the proposed use does not appear likely to negatively impact properties if they were to be developed in the future.
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. *In staff’s opinion there will not be offensive noise or odor to the nearby properties. Provided the property owner adheres to the required performance standards of the ordinance, it appears as though the proposed use is unlikely to create a nuisance for neighboring properties.*

m) 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.

*This standard does not apply to this proposal.*

n) 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.

*There is no other business like this in the immediate area. The intensity of the purposed use is low and should not have an impact on the surrounding uses. The approval of this conditional use permit meets the allowable intensity in the Agricultural 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.

*The protection of the public’s health, safety, morals and general welfare have been addressed through the required performance standards for this type of conditional use, the state regulations, and in the conditions included below.*

**Recommendations**

Staff recommends **APPROVAL** of the request to operate a reception/banquet/meeting facility with the following conditions:

1. That the proposed reception facility shall comply with the standards established in Section 24-331 of the County Zoning Ordinance that apply to Reception/Banquet/Meeting Halls/Retreat Centers or Facilities.

2. That the proposed reception facility shall comply with all State and Federal regulations and shall obtain any applicable licenses required by such regulations.

3. Prior to opening the facility, the applicants shall submit to the Planning Agency a report from a licensed building inspector outlining the status of the facility relative to the Americans with Disabilities Act (ADA) and Minnesota State Fire Marshal requirements. If deficiencies are noted in the report, the facility shall be updated to meet the requirements and an updated report from the licensed building inspector shall be submitted to the Planning Agency documenting compliance.
4. Adequate restroom facilities, including facilities that meet ADA requirements, shall be provided for all associated events.

5. The use shall be limited to the proposal outlined in the applicant’s business plan. Any change in use or the services offered shall be reviewed and approved by the Planning Agency prior to implementation.

**Attachments**

A-1   General Location Map  
A-2   Site Plan  
A-3   Business Proposal & Parking Plan  
A-4   Environmental Health Comments  
A-5   Applicable Sections from the County Ordinances
BUSINESS PLAN

Schroeder Farm

49186 190th Street, Lake Crystal, MN 56055

November 2019
Executive Summary

The Company:

The Schroeder farm was the site of the biggest Farmfest ever held. From across the nation, 175,000 people streamed to Blue Earth County in September of 1976 for the Bicentennial celebration. It was a weeklong tribute to the history and future of farming. The shows still go on elsewhere, but nowhere near the scope and pageantry of the 1976 Farmfest. This place is a piece of history in Blue Earth County and has always been the perfect location for 'something' and now here it is. The perfect venue for any event.

This cattle barn was built for Farmfest 1976 and was renovated in 2018/2019 for the Schroeder/Hested Wedding. With a 7,500 square feet barn, and no place around southern Minnesota with this type of charm and this many square feet on one level, the Schroeder Farm is ready to host an event of any size and character.

The Ownership:

The company will be structured as an LLC Corporation.

The Management:

Business Owners, event staff.

Megan Schroeder (shareholder): Megan is Global Business Leadership major at the College of Saint Benedict graduated in May of 2019.

Karina Hested (shareholder): Karina is graduate from Mankato State University and is employed at Martin County Human Services. Karina's wedding was the first event held at the Schroeder Farm.

Amber Schroeder (shareholder): Amber is a graduate of Gustavus Adolphus College. Amber is a Daycare Provider in Lake Crystal, MN.

Michele Schroeder (Owner): Michele is a graduate of MSU in Corrections. She has been employed with Blue Earth County Community Corrections for 25 years.

The Goals and Objectives:

Create the perfect space to create experiences and celebrations of all types, bringing joy and happiness to all of our guests.

The Product:

Event Venue

Facilities: Barn, bathroom trailer.
**Hours of Operations:** 7am-Midnight. Most events will be held on Friday, Saturday or Sunday.

**The Target Market/Services Offered:**

Weddings (Outdoor and Indoor), Wedding receptions, Community Fundraisers, proms, parties, bridal showers, etc. Events will be limited to the guests of the event hosts; not open to the general public. At this time no retail sales are planned.

Food and alcohol will be provided by off-site catering services. Food will not be prepared on-site. A list of local providers will be available for the host or they may choose their own.

**Restrooms:** ADA porta potty will be provided by owners and will be onsite at all times/Will be anchored as directed. Owners will be responsible for cleaning and upkeep. Other options available for rent by the hosts.

**Rentals:**

Large bathroom trailer/Men’s is 3 stalls & 3 urinals-Women’s 4 stalls-sinks with running water, air-conditioning, heat and music: Recommended for parties of 150 to 600 guests. Available at Krobetz Campers in Lake Crystal. Brochure Enclosed.

Small bathroom trailers/1 stall for Men & Women- sinks with running water, air-conditioning, heat and music: Recommended for parties of 150 guests or less. Available at Krobetz Campers in Lake Crystal. Brochure Enclosed.

Porta Potty Rentals: Budget Portable Potty, Onsite Companies, and many others. Other options need to be approved by Owners.

At the present time there is not areas for bridal party to get ready on site; host’s could bring in campers if desired (Maximum of 2).

**Garbage and recycling:** Will be the owners responsibility. Madeia Sanitation provides this service. Dumpster and Well area will be protected with a fence enclosure.

**Parking:** Site has ample space for all vehicles. See enclosed maps. Overflow parking will be in grass pasture. All parking areas will be on grass. Parking attendants will be arranged by owners.

All electrical in building has been updated and inspected.

Building is all on one level (ADA) and has numerous exits, along with windows along both sides of building that can be used as exits. Fire extinguishers and lighted exit signs will be installed according to fire marshall regulations. Upon approval of the conditional use permit, ADA inspection and report will be provided to the county as well as State Fire marshals requirements.
In case of inclement weather: On-site manager will be in charge of watching weather radar and inform guests of risks and cancel event if needed.

Owners have a 1 Million Liability Umbrella policy through North Star Mutual Insurance (Policy provided to County).

_Operations:_

_Staffing: Depending on event size-1 staff person per 100 guests._
KROUBETZ RENTALS

MOBILE RESTROOM RENTALS
FROM KROUBETZ LAKESIDE CAMPERS

OPTION 1:
WIDE BODY DENALI
- $1,200 + tax for the event
- $88.50 general sales tax + $110.40 rental tax
- Total fee of $1,398.90 for event
- $300 non-refundable deposit to reserve unit. Will be applied to total fee for event
- Total fee to be paid prior to delivery of unit to event
- Free delivery, set-up, and pick-up within 50 miles of Lake Crystal
- A/C
- Furnished with bath tissue and hand towels
- Tanks are pumped at Kroubetz’s expense

OPTION 2:
CENTURY II
- $700 + tax for the event
- $51.62 general sales tax + $64.40 rental tax
- Total fee of $816.02 for event
- $300 non-refundable deposit to reserve unit. Will be applied to total fee for event
- Total fee to be paid prior to delivery of unit to event
- Free delivery, set-up, and pick-up within 50 miles of Lake Crystal
- A/C
- Furnished with bath tissue and hand towels
- Tanks are pumped at Kroubetz’s expense

*note: Specifications are subject to change without notice.

*visit forestriverinc.com/mobile-restrooms to see additional photos

Kroubetz Lakeside Campers
351 E. Hwy 60
Lake Crystal, MN
General Rental Information

- $300 non-refundable deposit required to reserve unit
- Deposit applied to total fee upon rental
- Total cost to be paid before delivery of unit
- Free delivery, set-up, and pick-up within 50 miles of Lake Crystal, MN
- A/C
- Furnished with bath tissue and hand towels
- Tanks will be pumped at Kroubetz's expense
- Note: all specifications are subject to change without notice.

OPTION 1: DENALI

- 1,200 + tax for the event
- $88.50 general sales tax
- $110.40 rental tax
- Total cost of $1,398.90
- Interior Height: 6'11"
- Length: 24'

OPTION 2: CENTURY II

- $700 + tax for the event
- $51.62 general sales tax
- $64.40 rental tax
- Total cost of $816.02
- Interior Height: 6'9.25"
- Length: 12'0.5"
Septic System Compliance Inspection Waiver

A septic system compliance inspection is required for the issuance of building permits, conditional use permits, shoreland alteration permits, variances, property splits. This optional form allows you to forgo the expense of a compliance inspection and divulge any known information about your septic system.

I, ___________ being the owner of the property located at ___________, admit that the sewage or effluent from my septic system is discharging: (check all that apply)

☐ to a field tile line
☐ to the ground surface
☐ to an outdated drainfield
☐ to an unknown location

I understand that I am required to either replace the system with a new code compliant septic system or eliminate the system. I will (initial one)

☐ install a new code compliant septic system within 10 months.
☐ properly abandon the existing septic tank/tanks within 10 months.

I acknowledge no delay beyond the period stated will be granted.

I understand that I may face legal penalties and may be turned over to the County Attorney or the MPCA for enforcement if the work is not completed as agreed.

Signed ___________________  Date 11-13-19

Michele Schroeder
Schroeder Farm - Parking Plan

Parking Area #1

Protected Barrier

In-Use Wells

Proposed Dumpster Location

Parking Area #2

Parking Area #3

Parking Area #4

190th St

State Hwy 60

0 87.5 175 350 Feet

North

South

East

West
PARKING AREA #1 - 28 SPACES

- 25' x 12' Parking Spaces
- 25' x 12' Parking Spaces
- 20' x 15' Parking Spaces
PARKING AREA #2 - 22 SPACES

34' X 9' Parking Spaces

20' x 15' Parking Spaces

20' x 15' Parking Spaces

20' x 15' Parking Spaces

Protective Barrier

190th St
PARKING AREA #3 - 50 SPACES

25' x 12' Parking Spaces

123

190th St

25' x 12' Parking Spaces

25' x 12'
Parking Spaces
Environmental Health Section - Planning Application Reviews

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Application Description: Request for review and approval of a Conditional Use Permit to operate a Reception/Banquet/Meeting facility. The property is zoned Agricultural and is located in the Southwest Quarter of the Southeast Quarter of Section 3, Lincoln Township.

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**Septic Review**

Status: Complete - Comments Received

Comments: On 11/13/2019 you chose to forego the required septic compliance inspection and sign the septic compliance waiver form. The determination of this system being non-compliant is based on the information you submitted. The system serving the residential house will need to be brought into compliance by September 13, 2020. The business plan that was submitted indicated that all events at the Schroeder Farm will have an appropriate amount of portable toilets and/or large rental onsite toilets. No additional information needed at this time. Anderson Jesse 11/19/2019 9:59 AM

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**Well Review**

Status: Complete - Comments Received

Comments: A review of the existing records indicates that this property contains two wells. A shallow well which serves the house and a deeper well which used to serve the feedlot. The proposed CUP to operate an event center out of a converted feedlot building does not propose to have a water source available. Minnesota Rules require that wells remain in-use or they are required to be properly sealed. Based on the proposed business plan this proposal does not appear to negatively impact the known well situation on this property. grant 11/19/2019 11:20 AM

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**Wetland Review**

Status: Complete - Comments Received

Comments: The soils are classified as moderately well drained on the southern 2/3 of the property and poorly drained on the northern 1/3 of the property. There are no NWI identified wetlands on the parcel. Based on topography and soils, it is possible that there may be wetlands in the northeast portion of the property. Due to the wooded condition, it is difficult to determine based on an aerial photo review. Based on the plan submitted for the Conditional Use Permit to operate a Reception/Banquet/Meeting facility, it does not appear that this area will be impacted by parking or other activities. Based on this review, it appears the operation of this facility will not negatively impact any wetlands that may exist on the property if the applicant does not expand beyond their proposed plan. Altrichter Kristine 11/22/2019 10:21 AM
Sec. 24-47. - Planning commission.

(a) Establishment. A planning commission is hereby established and vested with such authority as is hereafter provided and as provided by Minn. Stats. § 394.21.

(d) Duties and powers.

(1) Duties. The planning commission shall cooperate with the zoning administrator and other employees of the county in preparing and recommending to the board of commissioners for adoption a comprehensive plan and recommendations for the execution of the plan.

(2) Review authority. The planning commission shall conduct public hearings, review all applications and prepare a report and recommendation to the board of commissioners on the following:

a. Conditional use permits.

(e) Conditional use permits.

(1) Application.

a. Generally. Applications for land use development for conditional use permits shall be made to the zoning administrator, together with the required fees.

b. Site plan required. The application shall be accompanied by a site plan and business/operation plan and such additional information as determined by county environmental services as necessary to show compliance with this chapter.

c. Time deadline for agency action. All applications shall be processed in conformance with Minn. Stats. § 15.99 generally known as the 60 day rule.

(2) Notification and public hearing.

a. Publication. At least ten days in advance of each public hearing, the zoning administrator shall cause a notice of the time and place of such hearing to be published in the official newspaper of the county.

b. Notification. All property owners of record within 500 feet of the incorporated areas and/or one-quarter mile of the affected property or to the ten properties nearest to the affected property, whichever would provide notice to the greatest number of owners of unincorporated areas where the conditional use is proposed shall be notified by depositing a written notice in the U.S. Mail, postage prepaid, as to the time and place of the public hearing. All municipalities within two miles of the proposed conditional use shall be given proper notice.

c. Omission in notification. The zoning administrator shall be responsible for proper publication of notices and notification to adjacent property owners. However, an error in the published notice of public hearing or failure to notify a specific property owner of the application for a conditional use permit shall not be considered cause to declare the public hearing invalid.

d. Public hearing. Upon receipt in proper form of the application and other requested material, the county planning commission shall hold at least one (1) public hearing...
in a location to be prescribed by the planning commission or zoning administrator in compliance with Minn. Stats. § 15.99 and Minn. Stats. ch 394.

(3) **Board of commissioners approval required.** For each application for a conditional use permit, the county planning commission or zoning administrator shall report to the board of commissioners findings and recommendations, including the stipulation of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. Upon receipt of the report of the planning commission or zoning administrator, the board of commissioners shall hold whatever public hearings it deems advisable and shall make a decision upon the proposal for a conditional use permit.

(4) **Resubmittal of application following denial by the board of commissioners.** If a request for a conditional use permit is denied by the board of commissioners, no new application shall be accepted by the zoning administrator for a 12-month period following denial if it is substantially the same as, or similar to, the request which was denied by the board of commissioners. The imposition of this 12-month period is intended to give the applicant time to reconsider the appropriateness of the development proposal, to address concerns and to encourage dialogue between the applicant and affected neighboring landowners. The zoning administrator may accept a new application, if in his or her opinion, new evidence or a change in conditions warrants it.

(5) **Adverse environmental effect.** The applicant for a conditional use permit which, in the opinion of the planning commission, may result in a material adverse effect on the environment may be requested to demonstrate the nature and extent of the effect.

(6) **Imposition of conditions.** In granting any conditional use permit under the provisions of this section, the county board of commissioners shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the chapter, regulation or provision to which the conditional use permit is granted.

(7) **Invalidation of permit.** An approved conditional use permit shall become invalid unless commencement of the use has begun within 12 months of final approval by the board of commissioners. Mineral extraction is excluded.

(8) **Permit validity.**

   a. A conditional use permit shall be valid as long as the conditions attached are met. A conditional use may be reviewed after the first year and then after the fifth year and any other time deemed necessary by the planning agency. If the planning agency finds that specific conditions of the permit are not being met or if site conditions or activities have changed, the permit shall be brought back for review by the planning commission and the board of commissioners.

   b. The planning commission shall review the permit application and forward a recommendation to the board of commissioners for final action.

(9) **Compliance.** Any use permitted under the terms of any conditional use permit shall be established and conducted in conformity to the terms of such permit and of any conditions designated in connection therewith. Any proposed change in operations or change in owners shall be submitted to the planning agency for review. Failure to
comply with the terms of the permit shall be reviewed by the planning commission and the board of commissioners for possible revocation.

(f) **Findings required.**

(1) **Enumeration.** The planning commission shall not forward a recommendation of approval for a conditional use permit unless they find the following facts at the hearing where the applicant shall present a statement and evidence in such form as the planning agency may require:

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. 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. 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.

(2) **Recommendation of conditions.** In recommending any conditional use permit to the board of commissioners, under the provisions of this chapter, the planning commission
shall assign such conditions in connection therewith as will, in its opinion, secure substantially the objectives of this chapter.

(g) **Recording.** The zoning administrator shall file a certified copy of any conditional use permit approved by the planning commission and the board of commissioners, with the land records department for record. The conditional use permit shall include the legal description of the property involved.

(Ord. of 2-28-2012)

**DIVISION 2. AGRICULTURE DISTRICT**

**Sec. 24-111. - Purpose.**

(b) **Agriculture operations.** Through the adoption of this subsection, the board of commissioners is expressing its intent to enhance and encourage agricultural operations within the boundaries of the county. The county will view the agriculture district as a zone in which land is used for commercial agricultural production. Owners of property, residents, other users of property in the agriculture zone, and neighboring properties adjacent to the agriculture zone may be subjected to inconvenience or discomfort arising from normal and accepted agricultural practices and operations including, but not limited to; noise, odors, dust, operation of aircraft and late night operation of farm machinery, the storage and application of manure, fertilizers, soil amendments, herbicides and pesticides associated with normal agricultural operations. Owners of property, residents, other users of property in the agriculture zone, and neighboring properties adjacent to the agriculture zone, should be prepared to accept such inconveniences or discomfort from normal operations, and are hereby put on official notice, pursuant to Minn. Stats. § 561.19, that this declaration may prevent them from obtaining a legal judgment against such normal operations.

(Ord. of 2-28-2012)

**Sec. 24-112. - Uses.**

(b) **Conditional uses.** The following uses may be allowed in the A district as a conditional use as regulated in Article II of this chapter.

(24) Reception/banquet/meeting halls/retreat centers or facilities as regulated in section 24-331.

(Ord. of 2-28-2012; Ord. of 2-16-2016)

**Sec. 24-331. - Reception/banquet/meeting halls/retreat centers or facilities.**

This section addresses the performance standards for the establishment and operation of reception/banquet/meeting halls/retreat centers or facilities.

(a) Information shall be submitted to the planning agency in the form of a business/operations plan. Said plan shall include information regarding the services
offered, types of facilities, sanitary sewer and waste disposal facilities, hours of operation and other issues relevant to the proposed use.

(b) Total maximum floor space area shall be no larger than 10,000 square feet.

(c) Retail Sales areas may include up to 10% of the floor space of the building but may not exceed 1,000 square feet.

(d) Meal preparation areas must be licensed and approved by the Minnesota Department of Health.

(e) Bars, including lounges, nightclubs, on-sale liquor establishments, restaurants, cafés or taverns are prohibited.

(f) Lodging, camping and overnight accommodations are prohibited.

(g) The offering of food and alcohol shall only be provided by offsite catering services.

(h) Discharging of firearms is prohibited.

(i) Allowable signage shall be limited to an illuminated 32 square foot sign located on the property.

(j) There shall be no indication of offensive noise, vibration, smoke, dust, odors, heat or glare at or beyond the property line.

(k) Sites not serviced by an approved community water and sewage system must comply with county, state and federal waste disposal requirements.

(l) A transportation management plan shall be submitted to address off-street parking, the mitigation of overflow parking, traffic circulation, traffic control and the impact of the facility on surrounding roadways per section 24-310.

(m) A review by the planning agency of the conditional use permit requirements will be mandatory within 30 days of any ownership change of property or lease agreement.

(n) Any proposed change in operation or services offered shall first receive approval of an updated conditional use permit.

(Ord. of 2-28-2012)
Applicants                              Sending Property Owners             Receiving Property Owner
Patrick & Gail Caven   Jon Kietzer                                       Gordon & Dorothy Kopischke
13356 542nd Ave.                    1235 Yale Place, Apt. # 1003           P.O. Box 215
Amboy, MN 56010                 Minneapolis, MN 55403                  Vernon Center, MN 56090

Request and Location
Request for review and approval of a Conditional Use Permit to Transfer a Residential Development Right. The Sending Quarter-Quarters is zoned Agricultural and the Receiving Quarter-Quarter is zoned Conservation. The Receiving Quarter-Quarter also has an area within the Shoreland Overlay District of the Blue Earth River. This request will send the Residential Development Right from the Northeast Quarter of the Southwest Quarter of Section 35, Vernon Center Township to the Southeast Quarter of the Northwest Quarter of Section 35, Vernon Center Township.

Legal Description
Transferred From:
Northeast Quarter of the Southwest Quarter of Section 35, Vernon Center Township
Township 106N, Range 28W

Transferred To:
Southeast Quarter of the Northwest Quarter of Section 35, Vernon Center Township
Township 106N, Range 28W

General Site Description and Project Proposal
The applicants have entered into a Purchase Agreement to obtain a portion of property from the listed owners of the Receiving Parcel. They also have a signed and notarized TDR Agreement from the owner of the Sending Quarter-Quarter. Neither the Sending Quarter-Quarter of the Receiving Parcel are currently developed. The applicants are requesting a Transfer of Residential Development Rights to facilitate the future development of single-family dwelling.

Project Outcome
If approved, the Southeast Quarter of the Northwest Quarter of section 35, Vernon Center Township will have an unused Residential Development Right. The applicants will split off a 10-acre portion of property through the County’s Administrative Land Split process, and then apply for the required permits to enable the applicants to create a new residential development on the undeveloped parcel. See Attachment A-3
Land Use Plan
The current Land Use Plan lists the following Objectives. Development Objective 1) Consider non-farm development that can be constructed with minimal impact to existing natural and built systems (e.g., wetlands and transportation). Housing Objective 1) Allow for the maintenance of a diverse housing stock throughout Blue Earth County to provide housing options for residents. The request appears to be in harmony with the County’s Land Use Plan.

Zoning
The Sending Quarter-Quarter is zoned Agricultural and the Receiving Quarter-Quarter is zoned Conservation.

Access
The current access to the property is to and from County Road 142 (134th Street).

Existing Land Use within ¼ mile of the receiving Quarter-Quarter
North: Wooded area, the Blue Earth River, and Cropland
South: County Road 142 (134th Street, and Cropland
East: One farmstead, and Cropland
West: Two residential parcels, and Cropland

NATURAL RESOURCES INFORMATION
Topography
The Sending Quarter-Quarter can be described as gently rolling moving from west to east across the area. The future development area can be described as flat with a slight increase in elevation moving west to east across the area. See Attachment A-4

Floodplain
No portion of the Sending or Receiving Quarter-Quarters are within an area of the mapped Floodplain. The nearest mapped FEMA Floodplain is approximately 100 feet north of the future parcel’s northern boundary. There is an elevation difference in this area of approximately 70 feet. See Attachment A-5

Shoreland
No portion of the Sending Quarter-Quarter is within a Shoreland Overlay District. The northern portion of the future parcel is within the Shoreland Overlay District of the Blue Earth River. The proposed location of the future residential development appears to be outside of any Shoreland Overlay District. See Attachment A-6
Township Review
The applicants are currently on the agenda to attend the December 2019 Vernon Center Township meeting. Per the agreement between County Planning and Zoning and the Township’s, no final decision on this request will be made prior to the applicants attending a Township meeting.

Environmental Health Review
The Environmental Health Review of this proposal did not identify any significant environmental concerns. At the time of the Administrative Land Split and the review of future development, the identification of two septic drainfields will be required. In addition, additional wetland review may be required at the time of proposed development. See Attachment A-7

APPLICABLE SECTIONS OF THE CODE OF ORDINANCES
The primary Sections of the Ordinance related to this request are listed below. A complete list of the County Ordinances that are applicable to this request have been included with the report. See Attachment A-8

Section 24-112 Uses.
(b) Conditional Uses
(30) Transfer of Development Rights

Section 24-114 Density Regulations for dwellings.
(d) Transfer of development rights. Development rights may be transferred from a quarter of a quarter section (40 acres) to a contiguous (sharing one (1) common boundary) quarter of a quarter section (40 acres) for the purpose of constructing a dwelling, upon obtaining a conditional use permit. The sending quarter of a quarter of a section (40 acres) shall consist of a suitable buildable area capable of accommodating all requirements of the Blue Earth County Code of Ordinances for the construction of a single-family dwelling. The transfer shall not allow the establishment of more than four (4) dwellings in a quarter of a quarter section.

Section 24-137 Uses.
(b) Conditional Uses
(19) Transfer of Development Rights
Section 24-139 Density Regulations for dwellings.

(c) Transfer of development rights. Development rights may be transferred from a quarter of a quarter section (40 acres) to a contiguous (sharing one (1) common boundary) quarter of a quarter section (40 acres) for the purpose of constructing a dwelling, upon obtaining a conditional use permit. The sending quarter of a quarter of a section (40 acres) shall consist of a suitable buildable area capable of accommodating all requirements of the Blue Earth County Code of Ordinances for the construction of a single-family dwelling. The transfer shall not allow the establishment of more than four (4) dwellings in a quarter of a quarter section.

Proposed Findings of Facts

After careful review of the project and all associated documents, staff has developed the following opinions for this proposal:

1. That the proposed use conforms with the county land use plan.
   The current Land Use Plan lists the following Objectives. Development Objective 1) Consider non-farm development that can be constructed with minimal impact to existing natural and built systems (e.g., wetlands and transportation). Housing Objective 1) Allow for the maintenance of a diverse housing stock throughout Blue Earth County to provide housing options for residents. Therefore, the request appears to be in harmony with the County’s Land Use Plan.

2. The demonstrated need for the proposed use.
   The applicant’s wish to sell their existing farmstead to their son. Without the Transfer of Development Rights, the area of future construction would continue to be farmed in an area near steep slopes and a greater potential of erosion towards environmentally sensitive lands. In this case, the approval of a TDR may create an improvement to the existing conditions. Therefore, the applicants have demonstrated a need for the proposed use.

3. That the proposed use will not degrade the water quality of the county.
   With proper erosion control of the intended development area, the proposal does not appear likely to degrade the water quality of the county.

4. That the proposed use will not adversely increase the quantity of water runoff.
   With proper planning of the proposed development, the quantity of water runoff should not be adversely affected.
5. That soil conditions are adequate to accommodate the proposed use.
   According to Blue Earth County Soils Map, the proposed area of future development consists of Kamrar Silty Clay, and Truman Silt Loam. Both soil types are listed as well-drained and non-hydric soil type. Therefore, it appears as though the soil conditions for this site are adequate to accommodate the proposed use.

6. That the proposed use does not create a potential pollution hazard.
   With proper planning of future development of the property, the proposal does not appear likely to create a potential pollution hazard.

7. That adequate utility, access roads, drainage and other necessary facilities have been or are being provided.
   These items will be addressed as part of the construction permit review.

8. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
   The property appears to have adequate space for off-street parking to accommodate any vehicles requiring access to the property.

9. That facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.
   The property appears to have adequate area to alleviate any traffic congestion or traffic hazards in this area.

10. 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.
    The predominant use of the area is a mix of residential and agricultural uses. Transferring of the Residential Development Right and future development of the site appears unlikely to be injurious to the use and enjoyment of any property in its immediate vicinity for the purposes already permitted.

11. 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.
    It appears unlikely that approval of this Transfer of Development Rights will impede any development efforts of the surrounding vacant areas.
12. 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. *This standard does not apply to this request.*

13. 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.  
*With the development right transfer, the density of the area conforms to the Ordinance.*

14. 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.  
*This standard does not apply to this request.*

15. 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.  
*The protection of the public’s health, safety, morals and general welfare have been addressed through the required performance standards for this Conditional Use and in the conditions included below.*

**Recommendations**  
Staff recommends **APPROVAL** of the Conditional Use Permit to Transfer the Residential Development Right with the following conditions:

1. That the applicants shall obtain a Construction Permit prior to the commencement of any future construction activities.

2. That any future splitting of the property within the Receiving Quarter-Quarter Section, shall first meet the requirements outlined in the County Land Division Ordinance.
Attachments
A-1  General Location Map
A-2  Current Site Map
A-3  TDR Review Map
A-4  Topography Map
A-5  Floodplain Map
A-6  Shoreland Overlay Map
A-7  Environmental Health Review
Vernon Center
T 106 N - R 28 W

Location of the Proposed TDR

Legend:
- U.S. Highway
- State Highway
- Paved
- Unpaved
- County State Aid Highway
- County Road
- Township Road
- Railroad
- Section Line
- Township Boundary
Current Site Map
Attachment A-2

Developed Home Site

0 290 580 1,160 Feet

134th St

Current Site Map
Attachment A-2

Developed Home Site

0 290 580 1,160 Feet

134th St
Shoreland Overlay Map
Attachment A-6

Receiving 1/4 - 1/4
(SENW, Sec. 35)

Sending 1/4 - 1/4
(NESW, Sec. 35)

Approximate Building Site

Protected Lake
Protected Stream
Shoreland District
Parcel
## Environmental Health Section - Planning Application Reviews

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**Application Description:** Request for review and approval of a Conditional Use Permit to Transfer a Residential Development Right. The Sending Quarter-Quarter is zoned Agricultural and the Receiving Quarter-Quarter is zoned Conservation. The Receiving Quarter-Quarter also has an area within the Shoreland Overlay District of the Blue Earth River. This request will send the Residential Development Right from the Northeast Quarter of the Southwest Quarter of Section 35, Vernon Center Township to the Southeast Quarter of the Northwest Quarter of Section 35, Vernon Center Township.

### Septic Review

**Status:** Complete - Comments Received

**Comments:** The transfer of development rights will require at the time of development, two septic drainfield locations be identified. Anderson Jesse 11/15/2019 10:20 AM

### Well Review

**Status:** Complete - Comments Received

**Comments:** The proposed transfer of development rights for these two properties does not appear to negatively impact any known or suspected wells. grant 11/19/2019 10:07 AM

### Wetland Review

**Status:** Complete - Comments Received

**Comments:** On the parcel receiving the TDR there are no NWI identified wetlands except within the Blue Earth River north of the parcel. The soils are classified as well drained on the east and west sides of the parcels and poorly drained in the middle. It does not appear any wetlands will be impacted by the TDR. When development is proposed, additional wetland review will be required. Altrichter Kristine 11/18/2019 8:51 AM
Sec. 20-104. - Administrative land splits.
The conveyance of certain parcels of land may be split administratively in agricultural or conservation districts if the requirements of this section are met. The zoning administrator shall have the authority to approve administrative land splits. An administrative land split for the items below shall only be approved if the split does not require creation or altering of any public road right-of-way and any Parcel created by the land split is in compliance with the minimum standards and residential density of the district in which it is located. The land split shall not result in a Lot, Parcel, site, division or building which does not meet the minimum requirements of this chapter or Chapter 24 of the Code for setbacks, size requirements and/or access.

(a) Minor subdivisions.
(1) Land that is being split to create a parcel for the second new residential building site in a quarter-quarter section may be allowed if the applicants first secure the applicable residential development right through either the bonus lot provision of Chapter 24 or the transfer of development right process of Chapter 24.

(Ord. of 4-18-2017)

Sec. 24-47. - Planning commission.
(a) Establishment. A planning commission is hereby established and vested with such authority as is hereafter provided and as provided by Minn. Stats. § 394.21.
(d) Duties and powers.
(1) Duties. The planning commission shall cooperate with the zoning administrator and other employees of the county in preparing and recommending to the board of commissioners for adoption a comprehensive plan and recommendations for the execution of the plan.
(2) Review authority. The planning commission shall conduct public hearings, review all applications and prepare a report and recommendation to the board of commissioners on the following:
a. Conditional use permits.
(e) Conditional use permits.
(1) Application.
a. Generally. Applications for land use development for conditional use permits shall be made to the zoning administrator, together with the required fees.
b. Site plan required. The application shall be accompanied by a site plan and business/operation plan and such additional information as determined by county environmental services as necessary to show compliance with this chapter.
c. Time deadline for agency action. All applications shall be processed in conformance with Minn. Stats. § 15.99 generally known as the 60-day rule.
(2) Notification and public hearing.
   a. Publication. At least ten days in advance of each public hearing, the zoning administrator shall cause a notice of the time and place of such hearing to be published in the official newspaper of the county.
   b. Notification. All property owners of record within 500 feet of the incorporated areas and/or one-quarter mile of the affected property or to the ten properties nearest to the affected property, whichever would provide notice to the greatest number of owners of unincorporated areas where the conditional use is proposed shall be notified by depositing a written notice in the U.S. Mail, postage prepaid, as to the time and place of the public hearing. All municipalities within two miles of the proposed conditional use shall be given proper notice.
   c. Omission in notification. The zoning administrator shall be responsible for proper publication of notices and notification to adjacent property owners. However, an error in the published notice of public hearing or failure to notify a specific property owner of the application for a conditional use permit shall not be considered cause to declare the public hearing invalid.
   d. Public hearing. Upon receipt in proper form of the application and other requested material, the county planning commission shall hold at least one (1) public hearing in a location to be prescribed by the planning commission or zoning administrator in compliance with Minn. Stats. § 15.99 and Minn. Stats. ch 394.

(3) Board of commissioner’s approval required. For each application for a conditional use permit, the county planning commission or zoning administrator shall report to the board of commissioner’s findings and recommendations, including the stipulation of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. Upon receipt of the report of the planning commission or zoning administrator, the board of commissioners shall hold whatever public hearings it deems advisable and shall make a decision upon the proposal for a conditional use permit.

(4) Resubmittal of application following denial by the board of commissioners. If a request for a conditional use permit is denied by the board of commissioners, no new application shall be accepted by the zoning administrator for a 12-month period following denial if it is substantially the same as, or similar to, the request which was denied by the board of commissioners. The imposition of this 12-month period is intended to give the applicant time to reconsider the appropriateness of the development proposal, to address concerns and to encourage dialogue between the applicant and affected neighboring landowners. The zoning administrator may accept a new application, if in his or her opinion, new evidence or a change in conditions warrants it.

(5) Adverse environmental effect. The applicant for a conditional use permit which, in the opinion of the planning commission, may result in a material adverse effect on the environment may be requested to demonstrate the nature and extent of the effect.
(6) *Imposition of conditions.* In granting any conditional use permit under the provisions of this section, the county board of commissioners shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the chapter, regulation or provision to which the conditional use permit is granted.

(7) *Invalidation of permit.* An approved conditional use permit shall become invalid unless commencement of the use has begun within 12 months of final approval by the board of commissioners. Mineral extraction is excluded.

(8) *Permit validity.*
   a. A conditional use permit shall be valid as long as the conditions attached are met. A conditional use may be reviewed after the first year and then after the fifth year and any other time deemed necessary by the planning agency. If the planning agency finds that specific conditions of the permit are not being met or if site conditions or activities have changed, the permit shall be brought back for review by the planning commission and the board of commissioners.
   b. The planning commission shall review the permit application and forward a recommendation to the board of commissioners for final action.

(9) *Compliance.* Any use permitted under the terms of any conditional use permit shall be established and conducted in conformity to the terms of such permit and of any conditions designated in connection therewith. Any proposed change in operations or change in owners shall be submitted to the planning agency for review. Failure to comply with the terms of the permit shall be reviewed by the planning commission and the board of commissioners for possible revocation.

(f) *Findings required.*

(1) *Enumeration.* The planning commission shall not forward a recommendation of approval for a conditional use permit unless they find the following facts at the hearing where the applicant shall present a statement and evidence in such form as the planning agency may require:
   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. 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. 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.

(2) Recommendation of conditions. In recommending any conditional use permit to the board of commissioners, under the provisions of this chapter, the planning commission shall assign such conditions in connection therewith as will, in its opinion, secure substantially the objectives of this chapter.

(g) Recording. The zoning administrator shall file a certified copy of any conditional use permit approved by the planning commission and the board of commissioners, with the land records department for record. The conditional use permit shall include the legal description of the property involved.

(Ord. of 2-28-2012)

Sec. 24-112. - Uses.

(b) Conditional uses. The following uses may be allowed in the A district as a conditional use as regulated in Article II of this chapter.

(30) Transfer of development rights.

(Ord. of 2-28-2012; Ord. of 2-16-2016)

Sec. 24-114. - Density regulations for dwellings.

(a) Permitted dwellings. In the A district, not more than one dwelling per quarter of a quarter section shall be permitted except that additional dwellings may be allowed subject to the provisions stated in this section.
(d) **Transfer of development rights.** Development rights may be transferred from a quarter of a quarter section (40 acres) to a contiguous (sharing one common boundary) quarter of a quarter section (40 acres) for the purpose of constructing a dwelling, upon obtaining a conditional use permit. The sending quarter of a quarter of a section (40 acres) shall consist of a suitable buildable area capable of accommodating all requirements of the Blue Earth County Code of Ordinances for the construction of a single-family dwelling. The transfer shall not allow the establishment of more than four dwellings in a quarter of a quarter section (40 acres).

(Ord. of 2-28-2012)

**Sec. 24-137. - Uses.**

(b) **Conditional uses.** The following uses may be allowed in the C district as a conditional use and subject to the provisions of article II of this chapter:

   (19) Transfer of development rights.

(Ord. of 2-28-2012; Ord. of 2-16-2016)

**Sec. 24-139. - Density regulations for dwellings.**

(a) **Permitted dwellings.** In the C district, not more than one dwelling per quarter of a quarter section shall be permitted.

(c) **Transfer of development rights.** Development rights may be transferred from a quarter of a quarter section (40 acres) to a contiguous (sharing one common boundary) quarter of a quarter section (40 acres) for the purpose of constructing a dwelling, upon obtaining a conditional use permit. The sending quarter of a quarter of a section (40 acres) shall consist of a suitable buildable area capable of accommodating all requirements of the Blue Earth County Code of Ordinances for the construction of a single-family dwelling. The transfer shall not allow the establishment of more than four dwellings in a quarter of a quarter section.

(Ord. of 2-28-2012)
Request and location
Request for review and approval of a Conditional Use Permit to construct and operate one new total confinement swine finishing facility capable of holding 3,000 pigs between 55 and 300 pounds or 1,200 Blue Earth County defined animal units (900 state defined animal units). The proposal will utilize a below-barn concrete liquid manure storage area. The site is zoned Agricultural and is located in part of the Southeast Quarter of the Southeast Quarter of Section 13, Lyra Township.

Legal Description
Part of the Southeast Quarter of the Southeast Quarter of Section 13, Lyra Township (T-106-N, R-27-W)

Zoning
The property is zoned Agricultural.

General Site Description and Project Proposal
The site currently consists of a 48.96-acre parcel which includes one building site with an active feedlot permit and farmland. The existing feedlot is permitted for 94 dairy heifers or 66 animal units. The Owner and applicant intend to split the existing parcel in the future so that the two feedlots are on separate parcels. The applicant proposes to construct and operate one new total confinement swine finishing barn on the west side of the existing grove on the property. If approved, the site will have a capacity of 2,000 finishing pigs weighing between 55 and 300 pounds, and 94 dairy heifers, for a total of 1,266 animal units as defined by Section 6-42 of the Blue Earth County Code of Ordinances. See Attachment A-3

Manure and wash water from cleaning the pens will be stored in a reinforced concrete storage pit located beneath the barn and land applied in accordance with an approved manure management plan. The applicant intends to render pig mortalities at this time.

Project Outcome
If approved, the applicant will construct and operate one 3,000 head swine finishing barn in the Agricultural Zoned District of Section 13, Lyra Township. The new barn will have a capacity of 1,200 Blue Earth County Defined Animal Units.

Land Use Plan
The Blue Earth County Land Use Plan supports the agricultural economy, which includes farming operations of all scales. This request is consistent with the goals and policies established in the Blue Earth County Land Use Plan.
Existing Land Use, ½ Mile
North: Cropland
South: 148th Street (township road) and cropland
East: Cropland, CSAH 39, 148th street (township road), one farm dwelling, and a permitted swine finishing operation.
West: Cropland, County Tile Ditch JD21, and one permitted swine nursery barn

Road Access
Access to the proposed hog barn will come from a new driveway access on to 148th Street (a township road).

Manure Management
The applicant has submitted a completed manure management plan (MMP) using an MPCA provided form. 100% of the manure will have transferred ownership. The applicant has submitted land application agreements with neighboring farmers.

Method of Manure Application
Manure will be pumped in the fall by a licensed Commercial Animal Waste Technician or the purchaser of the manure. Manure will be immediately incorporated by sweep injection. When necessary, and allowed, manure may be surface applied, provided all applicable setbacks are met.

NATURAL RESOURCES INFORMATION
Area Water Features
There are no rivers, streams or lakes within ½ mile of the proposed barn.

Topography
The topography of the area is relatively flat with very little elevation change.
See Attachment A-5

Floodplain
According to the 2011 FEMA Preliminary Flood Maps the proposal is not located within one mile of any area of floodplain, therefore no attachment has been included.

Shoreland
The shoreland overlay district of an unnamed lake is located approximately 5,000 feet away from the proposed barn. See Attachment A-6

Predominate Soils
The Blue Earth County soil survey indicates the site consists of many different soil types, but the barn is to be located in an area consisting of Marna Silty Clay Loam and Shorewood Silty Clay Loam. These soils are classified as poorly to moderately well drained and not highly erodible.

Tile Inlets
There are no open tile intakes within 300 feet of the proposed barn. The transferee of the manure will be required to keep application records to prove that all setbacks have been met.
**Depth to Bedrock**
Depth to bedrock is approximately 201 - 250 feet, according to the 2012 Geologic Atlas of Blue Earth County.

**MPCA Review**
The applicant will be required to apply for a Construction Short Form Permit with the Minnesota Pollution Control Agency before any construction takes place.

**Township Review**
In an email dated November 12, 2019, Lyra Township Clerk Sandy Miller wrote that Dan Appel had appeared at the regularly scheduled township board meeting on November 11, 2019 to discuss his proposal. After discussion it was determined that Lyra Township had no objections to the proposal and a motion was made to approve the request with the stipulation that he met all state and county guidelines.

**Environmental Health Review**
See Attachment A-7

**STANDARDS FOR GRANTING A CONDITIONAL USE PERMIT**
 Sec. 24-47 Planning Commission (f) (1)
The Planning Commission shall not forward a recommendation of approval for a conditional use permit unless they find the following facts at the hearing where the applicant shall present a statement and evidence in such form as the Planning Agency may require:

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. 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. 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.

**Proposed Findings of Fact**

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.
   
   *The Land Use Plan supports agriculture, and agricultural operations. Since this proposal exceeds setback standards and features below-barn liquid manure storage, there are no conflicts with the Land Use Plan.*

b. The demonstrated need for the proposed use.
   
   *The applicant would be unable to obtain a County Feedlot permit for the proposal without the granting of the Conditional Use Permit, for this reason the need exists.*

c. That the proposed use will not degrade the water quality of the county.
   
   *Manure and washwater will be stored in a below-barn liquid manure storage area. This manure storage area has been designed and will be inspected by a licensed engineer. Manure and washwater will be land applied in accordance with Blue Earth County and Minnesota Pollution Control Agency standards. If all setbacks and standards are followed, the proposal will not degrade the water quality of the county.*
d. That the proposed use will not adversely increase the quantity of water runoff.  
While the construction of the barn and added driveway has the potential to increase water 
runoff, county officials will monitor the site to prevent any pollution hazards from 
construction, manure application, the operation of the feedlot, and any other factors in the 
future. The project will be required to follow MPCA Best Management Practices to reduce 
any runoff concerns.

e. That soil conditions are adequate to accommodate the proposed use.  
Soil borings are a requirement for the design of the below-barn liquid manure storage 
area. County Staff and the MPCA will review those design plans prior to issuing a 
construction permit.

f. That the proposed use does not create a potential pollution hazard.  
The site will be monitored in the future for any pollution hazards by the Blue Earth County 
Feedlot Officer and the MPCA. Any potential pollution hazards will be addressed on a 
case by case basis.

g. That adequate utilities, access roads, drainage and other necessary facilities have been or 
are being provided.  
Access to and from the site will come from a new driveway access on to 148th Street, a 
Township Road. The applicant will need to work with the township officials for their 
driveway standards.

h. That adequate measures have been or will be taken to provide sufficient off-street parking 
and loading space to serve the proposed use.  
The proposed driveway and agricultural field are capable of providing parking areas for 
workers and load-out trucks so there will be no blocking of the roadway.

i. That facilities are provided to eliminate any traffic congestion or traffic hazard which may 
result from the proposed use.  
While there may be some increase in traffic from the proposed use, it should not create any 
congestion. Parking will be on the driveways for the barns, so there should not be any 
hazards created from on-street parking.

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.  
The proposed barn meets all setbacks, does not exceed maximum capacity standards, and 
is located in the Agricultural Zoning District where animal feedlots are a Conditional Use. 
These facts, also considering that neighboring property uses are also agricultural, confirm 
that the granting of this Conditional Use Permit will not be injurious to the use and 
enjoyment of other properties in the area.
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.

*Neighboring properties are predominantly cropland. Any future residential development would be required adherence to the feedlot-dwelling setback standards, but non-residential development would not be limited by any further setbacks.*

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.

*The applicant will be required to follow all Blue Earth County and Minnesota Pollution Control Agency regulations regarding feedlot construction and operation. The feedlot will also exceed all feedlot-dwelling setbacks, and building setbacks as established by the Blue Earth County Zoning Ordinance.*

m. 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.

*Not applicable*

n. 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.

*Not applicable*

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.

*The Planning Commission and County Board have the authority to grant this permit with conditions. There are a number of conditions that Staff recommends be accepted, those conditions have been included in this report.*

**Recommendation**

Staff recommends **APPROVAL** for Conditional Use Permit PC 25-19 to construct one total confinement swine finishing barn with a capacity of 3,000 finishing pigs (1,200 Blue Earth County Defined Animal Units) contingent upon the following conditions:

1. That the total confinement barn conforms to the site plan attached to this report PC 25-19.

2. That the feedlot be located on a single, legally described parcel consisting of a minimum of 40 contiguous acres or as amended in the Blue Earth County Feedlot Ordinance. The parcel shall be a parcel of record, properly recorded in the Blue Earth County Property and Environmental Resources Office.

3. That the applicant must obtain a Blue Earth County Feedlot Permit before any animals are placed in the 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. That a perimeter footing drain tile be located at or below the bottom of the pit footings. The footing tile shall include one inspection pipe for each concrete pit. The native materials must be excavated, and walls back filled with granular material (pit run gravel or equivalent). *Exceptions to this may only include specific design standards submitted by the design engineer of the manure storage structure.*

6. The application of manure shall comply with standards set forth by the MPCA and the County. The applicants manure management plan must be reviewed by the operator each year and updated each year and adjusted for any changes in the amount of manure production, manure nutrient test results and transfer of manure ownership. Records of manure transfer shall be maintained as required by the MPCA. Manure application setback standards for the fields on which the manure is applied shall be followed as required by the MPCA and the County.

7. That the disposal of dead animals be consistent with the Minnesota Board of Animal Health regulations. 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 be designed by a licensed engineer.

10. That within 60 days of completion of any new or modified manure storage area, the applicant will furnish the final construction report to the County Environmental Services department verifying that the concrete manure storage structure was constructed per approved engineered design plan. Said construction report shall be signed by the design engineer.

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

12. That MPCA construction Best Management Practices be followed including erosion control measures.

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

14. If a shower, restroom, culinary and/or laundry facilities are to be included with the proposal, that wastewater handling practices are designed and constructed according to state requirements.
**Attachments**

A-1 General Location Map
A-2 Current Site Map
A-3 Proposed Site Map
A-4 Feedlot to Dwelling Setback Map
A-5 Topography Map
A-6 Shoreland Overlay Map
A-7 Environmental Health Review
A-8 Blue Earth County Manure Application Setbacks
Proposed Site Map
Attachment A-3

Proposed
123' x 200'
Total Confinement Barn

Proposed Driveway

148th St
Feedlot to Dwelling Setback Map
Attachment A-4

Approximate Parcel Boundary

Required 1500' Setback

Required 1000' Setback

198th St

58th Ave
Approximate Parcel Boundary

Proposed 123’ x 200’ Total Confinement Barn

Elevation Contour

Index (10 Ft)

Intermediate (2 Ft)

Source: Contours - MN LiDAR 2012
Shoreland Overlay Map
Attachment A-6

Approximate Parcel Boundary
Proposed 123’ x 200’ Total Confinement Barn

Protected Lake
Shoreland District
Parcel

4,914 ft (approx.)
Environmental Health Review
Attachment A-7

Blue Earth County - Property & Environmental Resources
P.O. Box 3566, Mankato, Minnesota 56002-3566
Phone: (507) 304-4381

Environmental Health Section - Planning Application Reviews

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<td>APPEL DONAVON J &amp; SPECK ARLENE D</td>
<td>Applicant:</td>
<td>APPEL DANIEL J</td>
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Application Description: Request for review and approval of a conditional use permit to construct one swine finishing barn. If approved the applicant will construct one finishing barn capable of housing 3,000 head of swine between 55 and 300 pounds or 1200 Blue Earth County animal units (900 state defined animal units), and will feature a below barn concrete liquid manure storage area. The property is zoned agricultural and is located in the Southeast Quarter of the Southeast Quarter of Section 13, Lyra Township.

Septic Review

Status: Complete - Comments Received

Comments: No septic system currently or proposed on parcel. If there are any bathrooms, laundry, shower/sink waste, or any culinary activities, the sewage from these must go into a code compliant septic system designed for the use. No additional information needed at this time.

Anderson Jesse 11/06/2019 3:25 PM

Well Review

Status: Complete - Comments Received

Comments: The enclosed site plan for this proposed hog confinement operation does no show any wells. A review of the records and discussion with the applicant indicate that the existing property contains one shallow tile well located inside of a detached garage on the existing building site. The applicant plans on having a new well drilled for this proposed hog confinement barn. It may be advisable to seal up the tile well and serve the entire building site with this new well. The proposed construction does not appear to negatively impact the known well situation on this property.  grant 11/19/2019 9:57 AM

Wetland Review

Status: Complete - Comments Received

Comments: Based on an aerial photo review, it does not appear that the construction and operate one swine finishing barn will negatively impact any wetlands that may exist on or near the site. The soils are classified as hydric, however, there is little evidence of wetland signatures on the landscape. Altichter Kristine 11/08/2019 8:36 AM
Blue Earth County Manure Application Setbacks

Without Immediate Incorporation

Uncultivated Wetland

50 ft. Vegetative Buffer

100 ft. Vegetative Buffer

House

25 ft. from Ditch

Public Road

Tile Inlet

50 ft. Vegetative Buffer

Drainage Ditch

Intermittent Stream

Lake

Stream or River

50 ft. Vegetative Buffer

100 ft. Vegetative Buffer

When Incorporated Within 24-Hours

Uncultivated Wetland

200 ft.

50 ft.

Well

25 ft.

Drainage Ditch

Intermittent Stream

Lake

Stream or River

100 ft.

Public Road

10 ft.

from Ditch

Tile Inlet

25 ft.