

**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, September 4, 2019 - 7:30 PM  
Blue Earth County Commissioners Room  
County Courthouse, 204 South Fifth Street, Mankato, Minnesota

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

- 1. CALL TO ORDER**
- 2. APPROVAL OF MINUTES – August 7, 2019 Regular Meeting**
- 3. APPROVAL OF AGENDA**
- 4. NEW BUSINESS**

**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 Township 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.

**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.

- 5. OTHER BUSINESS**
- 6. ADJOURNMENT**

*All agenda items will be heard by the County Board of Commissioners on, Tuesday, September 24<sup>th</sup>, 2019. The meeting will begin at 9:00 A.M. in the Commissioners Room, of the Blue Earth County Courthouse, 204 South Fifth Street, Mankato, Minnesota.*



## MINUTES

### Blue Earth County Planning Commission

#### Regular Meeting

Wednesday August 7, 2019

7:30 p.m.

#### 1. CALL TO ORDER

The meeting was called to order at 7:50 p.m. by Chairman Lyle Femrite. Planning Commission members present were Bill Anderson, Kurt Anderson, Kip Bruender, Lyle Femrite, Barry Jacques and Michael Riley. County staff members Garrett Rohlring, Aaron Stubbs and George Leary were also present.

#### 2. APPROVAL OF MINUTES

Mr. Jacques made a motion to approve the minutes of the July 3rd, 2019 Planning Commission meeting. Mr. Bruender seconded the motion which carried unanimously.

#### 3. APPROVAL OF AGENDA

Mr. Leary indicated there was no change to the agenda.

#### 4. NEW BUSINESS

##### PC 16-19

**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. The property is zoned Conservation and is located in part of the Southwest Quarter of the Northeast Quarter of Section 28, South Bend Township.

Mr. Rohlring presented the staff report.

The applicant was present and had no additional comments.

There was no public comment.

Mr. Kurt Anderson made a motion to forward a recommendation of approval to the County Board with the findings proposed by staff. Mr. Bruender seconded the motion which carried unanimously.

##### PC 17-19

**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. The property is zoned Agricultural and is located in the Northwest Quarter of the Northwest Quarter of Section 30, Ceresco Township.

Mr. Leary presented the staff report.

The applicant was present and had no additional comments.

There was no public comment.

Mr. Femrite commented on the thorough report.

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

### **PC 18-19**

**Staples Oil Company** - Request for review and approval of a Conditional Use Permit to operate a bulk fuel sales and storage facility capable of storing up 160 thousand gallons of bulk fuel. The site is zoned Heavy Industrial and is also located within the Urban Fringe Overlay District of the City of Mankato. All located in part of the Northeast Quarter of the Northwest Quarter and part of the Northwest Quarter of the Northeast Quarter of Section 20, South Bend Township.

Mr. Leary presented the staff report.

The applicants were present and indicated they looked forward to cleaning up the property.

Tom Kwolek asked for clarification on the number of trucks.

Ryan Gilbertson, representing Staples Oil, stated there would be one bulk fuel delivery truck and two tractor-trailer semi units.

Mr. Kwolek asked about the proposed fence for the storage facility.

Mr. Gilbertson stated it would be a traditional chain-linked fence.

Mr. Kwolek expressed his concern with potential spills in proximity to Minneopa Creek. He also indicated that the highway is already experiencing some damage.

Craig Beckman, Manager of Minneopa State Park, asked how often the storage containment area is inspected.

Mr. Gilbertson responded saying it is inspected weekly and monthly. He said the weekly inspections involve a walk-around, and the monthly inspections from which records are provided to the MPCA.

Mr. Beckman asked if there would be on-site sales.

Mr. Gilbertson provided a detailed response. In summary, there is no walk-up service. *(It should be noted that not all of Mr. Gilbertson's comments were audible on the recording as he did not approach the podium and use the microphone.)*

Mr. Beckman indicated that just under 300,000 people visit the State Park each year. He asked if truck trips will increase.

Mr. Gilbertson stated that operations are currently small, and the bulk fuel delivery truck is maxed out. *(It should be noted that not all of Mr. Gilbertson's comments were audible on the recording as he did not approach the podium and use the microphone.)*

Doug Cramblit commented on a previous use of the property for concrete and asphalt crushing and indicated numerous trucks entered and left the property daily.

There was no further public comment.

Mr. Femrite opined that the use would fit the area.

Mr. Kurt Anderson acknowledged the proximity to the state park and some sensitive areas. He said it is zoned Heavy Industry and that it is a rather small use vs. other possible uses in the district. He added that it is a highly regulated industry and that he was confident the applicants will make a go of it, and to do so, will need to follow the regulations of the MPCA to the letter.

Mr. Femrite commented on the required containment system.

Mr. Jacques commented on the layout of the proposal relative to the railroad tracks. He indicated he was concerned with the potential derailment of a nearby train and the possibility of damaging the storage tanks. He said the proposal is 65 feet from the centerline of the tracks and opined that a 65-foot buffer is pretty good for providing a buffer for possible derailments.

There was no further discussion.

Mr. Kurt Anderson made a motion to forward a recommendation of approval to the County Board with the findings proposed by staff. Mr. Riley seconded the motion which carried unanimously.

### **PC 19-19**

**Florence Beyer** - Request for review and approval of the Preliminary and Final Plat of the Schoneck Addition Subdivision. A subdivision that will result in the creation of one lot and one Outlot. The properties involved are zoned Rural Residence. The project area is located in the Northern Half of the Northwest Quarter of the Southeast Quarter of Section 33, Danville Township.

Mr. Rohlring presented the staff report.

The applicant was present and had no additional comments.

There was no public comment.

Mr. Kurt Anderson made a motion to forward a recommendation of approval to the County Board.

Mr. Bill Anderson seconded the motion which carried unanimously.

**PC 20-19**

**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. The property is located in part of the Northeast Quarter of the Northeast Quarter of Section 6, Garden City Township.

Mr. Stubbs presented the staff report.

The applicant was present and had no additional comments.

There was no public comment.

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

**PC 21-19**

**Gary and Nicole Hager**- Request for review Request for review and approval of a Conditional Use Permit to operate a Farm Winery. The property is zoned Agricultural and is located in part of the Northeast Quarter of the Northeast Quarter of Section 16, LeRay Township.

Mr. Leary presented the staff report.

The applicant was present and had no additional comments.

There was no public comment.

There was some discussion on the hours of operation. Staff indicated that allowable hours are from 12:00 noon to 9:00 p.m. Friday through Sunday, but the applicant’s proposal is to operate from 12:00 noon to 8:00 p.m. Friday through Sunday.

Mr. Bruender made a motion to forward a recommendation of approval to the County Board with recommendations proposed by staff. Mr. Kurt Anderson seconded the motion which carried unanimously.

**5. ADJOURNMENT**

Mr. Jacques made a motion to adjourn the meeting. Mr. Bruender seconded the motion and the meeting was adjourned at 9:20 p.m.

\_\_\_\_\_  
Planning Commission Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Planning Commission Secretary

\_\_\_\_\_  
Date

**Applicant & Property Owner**

Robert W. Lorentz  
P.O. Box 847  
Mankato, MN 56002-0847

**Request and Location**

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.

**Legal Description**

The properties involved with the request are described as: Lots 1 through 6 & Lots 7 through 10, except the railroad, Block 22, Le Hillier City and Lots 15 through 16 and the Eastern portion of Lots 17 through 20, the Western Half of a vacated alley and the vacated Hawley Street, Block 16, Le Hillier City. All located in parts of the Northwest Southeast Quarter-Quarter and parts of the Southwest Southeast Quarter-Quarter of Section 14, South Bend Township.

**Zoning**

The properties involved with this request are zoned Rural Townsite and are also within the Urban Fringe Overlay District of the City of Mankato.

**General Site Description and Project Proposal**

The neighborhood bounded by U.S. Highway 169, the Chicago and Northwest Transportation Company Railroad and the Blue Earth River is predominantly residential in nature and appears to have been developed prior to the 1970's, based on County Assessor's records. Two of the three parcels involved with this request were created prior to 1985, and one was split off from a developed parcel in 2004. Since 1985, none of the area within these parcels have had any development. In addition to the existing residential development, one block west of this site is an auto repair business that pre-dates the existing zoning regulations. There is also an existing construction business, owned by the applicant, that has operated on a single, light industrial zoned, parcel since the mid-1970's.

In 1981, the portion of that property where the current building is located was rezoned from R-2 (Residential) to I-1 (Light Industrial). According to the minutes from the meeting, staff's recommendation was for denial due to the residential nature of the area. However, Mr. Lorentz stated he was seeking the re-zoning so he could build a structure to protect his equipment from being left outside. The thought was this area, although predominantly residential, had not fully developed due to its history of flooding. Once the flood protection system was completed, the Board thought more residential development would occur in this area. For this reason, the Board decided to only re-zone the western portion of the property to accommodate the building so the equipment could be kept in an enclosed area.

The applicant's current request is to re-zone the eastern portion of one parcel and three additional parcels to Light Industrial to accommodate the expansion of his existing business. The future expansion includes the following: the combination of the four parcels into one large parcel; an addition to the west side of the existing 105' x 54' building; the removal of the three small sheds along the southern border of the current Light Industrial parcel; the construction of two new buildings (100' x 35' and 60' x 55') along the new southern boundary; the re-location of parking from the eastern portion of the property along Sturgis Street to the western side of the newly created parcel; the use of McCauley Street as the primary access point for the site; and the installation of a 15' wide green space buffer along the northern and western borders of the newly created parcel.

See Attachment A-4

### **Project Outcome**

The proposed Site Plan exceeds the maximum allowed impervious surface coverage for the Light Industrial district. If the proposed Re-Zoning is approved, a Variance and a Stormwater Management Plan prepared by a qualified engineer, would be required. Once those are approved, the applicant will then need to apply for a Conditional Use Permit that will need to be approved, prior to applying for any Construction Permits or commencing any expansion activities, including parking area expansion.

### **Existing Land Use within a ¼ Mile**

**North:** Two Residential properties, Chicago & NW Trans railroad, and Land of Memories Park

**South:** McCauley Street (Twp. Rd), 20 Residential properties (developed and undeveloped), U.S. Highway 169, and an Industrial Business Complex (south of U.S. 169)

**East:** Sturgis Street (Twp. Rd), 15 Residential properties (developed and undeveloped), Blue Earth River, City of Mankato, and an Industrial Business (east of the Blue Earth River)

**West:** 20 Residential properties, Finch Street (Twp. Rd), Auto Repair Business, Pond Street (Twp. Rd), Chicago & NW Trans railroad, and Land of Memories Park

### **Access**

If approved, the applicants intend to change the primary access point from Sturgis Street to McCauley Street with the approval of a Conditional Use Permit. The change in access may create a more efficient traffic flow and eliminates one additional narrow turn for traffic coming in and out of this site. It is important to note that the streets adjacent to the proposal were platted to have a 66-foot right-of-way and were built to be approximately 25 feet wide. The actual street surface width does not meet the street design standard for Local Streets in the County Code, which is 30 feet. On-street parking within the neighborhood further reduces the available street surface and may not safely accommodate large truck traffic.

### **Land Use Plan**

The Development section of the County's Land Use Plan includes an objective to direct new and infill commercial and industrial development to urban areas where access to transportation, water, wastewater and stormwater systems can be provided. This request is for a map amendment to accommodate a potential expansion of an existing use in an area with access to transportation, water, and wastewater systems. However, the immediate area is essentially all Residential except for this and one other business. The neighborhood streets are narrow. Speed and turning radius may be an issue in this area, these issues may be intensified in the winter. There is also no access to a stormwater management system in this area. The soil in this area is coarse textured which makes the site susceptible to groundwater contamination if a spill were to occur. If approved, the applicants will be required to develop a stormwater management plan in compliance with all State and County Ordinance requirements in conjunction with a Variance.

The Natural Resources section of the County's Land Use Plan includes the following objectives: Stormwater and stormwater runoff should be managed to prevent or minimize flooding, pollution, erosion and sedimentation in downstream receiving waters, drainage areas or property. Support the goals, strategies and actions in Blue Earth County Water Management Plan and other natural resource and water management plans.

### **County Water Management Plan**

The County's Water Management Plan states, Land Use Planning and Management have an important role in protecting groundwater resources. Groundwater protection strategies will be incorporated in local Comprehensive Land Use Plans, Zoning, water and wastewater Ordinances, and programs and policies to protect groundwater resources.

The County's Water Management Plan also includes an action item to "Utilize the Geologic Atlas of Blue Earth County, Part B, to identify areas with high to moderate pollution sensitivity to ensure land use in those areas protect groundwater." The Geologic Atlas, Part B, maps identify this area as high for pollution sensitivity.

## **NATURAL RESOURCES INFORMATION**

### **Topography**

The topography of the area within the proposed re-zoning boundary is fairly flat. There is an increase in elevation to the northwest to accommodate the railroad right of way.

See Attachment A-5

### **Floodplain**

The entire area within the proposed re-zoning boundary is protected by a levee. There are also areas of FEMA designated Floodway and Flood Fringe less than 400 feet away.

See Attachment A-6

### **Shoreland**

The entire area within the proposed re-zoning boundary is outside of any Shoreland Overlay District. However, the Shoreland Overlay District for the Blue Earth River is approximately 220 feet to the east. See Attachment A-7

### **Pollution Sensitivity**

The Geologic Atlas of Blue Earth County indicates the area has high pollution sensitivity of the bedrock and near surface materials. The soils in the area are alluvial with coarse texture allowing rapid infiltration of pollutants. The source water for two of the City of Mankato's wells are surficial sands aquifers near and along the Blue Earth River and the Minnesota River. This area experienced a ground water contamination issue in the early 1980's. As a result, private wells and wastewater systems were required to be sealed and abandoned. The area was then connected to municipal water and sewer.

The proposed map amendment is in the inner emergency response area for the city's shallow wells. Many of the permitted and conditional uses in the Light Industry District could be a potential pollution hazard. The properties in this request are within an area of the County that has been mapped in the Geologic Atlas as being "Very High – hours to months" in terms of vertical travel time for water-borne contaminants to enter a bedrock aquifer. In addition, these locations are also mapped as being "High – hours to a week" in terms of vertical travel time through near surface materials. In the event of a spill or other accidental discharge, this area is extremely susceptible to pollution of the groundwater. See Attachment A-9

### **Township Review**

At the time this report was written, staff had not received comments from the Township Board. Staff attended a Township Board meeting on June 18, 2019, at that meeting this request was tabled until the July 2, 2019 Township meeting. The Township stated they would provide comments at the conclusion of their July meeting.

### **City of Mankato Review**

In an email exchange that started on March 21, 2019, Mark Konz, the Associate Director of Planning and Development Services for the City of Mankato initially asked how this proposal fit into the Goals and Objectives of the County's Land Use Plan. Staff shared with him, the same information previously stated in this staff report. Mr. Konz then stated that the City of Mankato would not object to the proposed re-zoning if it conforms to the County's Land Use Plan. Mr. Konz urged the County to ensure the residents of the area have the opportunity to be heard prior to making a decision.

### **Environmental Health Review**

See Attachment A-10

## **CODE OF ORDINANCES REVIEW**

### **Sec. 24-46 Chapter and map amendments.**

(a) Amendment procedure.

- (1) *Initiation of an amendment.* This chapter may be amended whenever the public necessity and the general welfare require such amendment by following the procedure specified in this section. Proceedings for amendment of this chapter shall be initiated by a land use development application to amend this chapter and:
  - a. A petition of the affected property owners. For purposes of this subsection, affected property owners shall refer to owners of the property specified on the application.
  - b. A recommendation of the County Planning Commission.
  - c. By action of the Board of Commissioners.
- (2) *Application.*
  - a. *Generally.* Application for an amendment 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 such additional information as determined by Blue Earth 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.
- (3) *Notification and public hearing.*
  - a. *Publication.* At least 10 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 incorporated areas and/or one-half (1/2) mile of unincorporated areas or to the 10 properties nearest to the affected property, whichever would provide notice to the greatest number of owners of unincorporated areas where the map amendment 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 (2) miles of the proposed map amendment 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 map amendment 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. § 394
- (4) *Planning Commission's findings and recommendation.* Following the public hearing, the County Planning Commission or Zoning Administrator shall make a report of its findings and recommendations on the proposed amendment and shall forward a copy to the Board of Commissioners for action.
  - (5) *Board of Commissioners approval required.* For each application for a map amendment, 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 public hearings upon the amendment as it deems advisable. After the conclusion of the hearings, if any, the Board of Commissioners may adopt the amendment or any of its parts in such form as it deems advisable. The amendment shall be effective only if a majority of all members of the Board of Commissioners concur in its passage.
  - (6) *Resubmittal of an ordinance or map amendment request following denial by the Board of Commissioners.* If a request for an ordinance or map amendment 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 amendment 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 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.

- (b) *Recording.* Upon the adoption of any other official control, including any maps or charts supplemented to or as a part thereof, the Zoning Administrator shall file a certified copy with the land records department for record. Ordinances, resolutions, maps or regulations filed with the land records department pursuant to this chapter do not constitute encumbrances on real property.  
(Ord. No. 100, § 19, 6-8-1996; Ord. of 11-23-1999)

## **ARTICLE VI. URBAN FRINGE OVERLAY DISTRICT (UFD)**

### **Sec. 24.504 General standards.**

The application of the UFD shall comply with the following general standards:

- (b) Water usage and ability of the site to self-provide for adequate on-site wastewater treatment and disposal shall be considered before any permits are granted for expansion of existing development.
- (c) Rezoning, dividing, subdividing or re-subdividing property for the purpose of expanding existing nonfarm uses or for developing new nonfarm uses shall be prohibited.
- (e) Existing uses of land which are not listed as permitted or conditional uses within the UFD shall be considered legally nonconforming and shall comply with section 24-309.
- (f) If an amendment is requested to the overlay or underlying zoning district, the municipality shall be informed of the request and shall have a 30-day comment period to review and respond. The municipality's review and response shall examine whether the amendment is consistent with the goals and objectives of the municipal land use plan, how the request impacts the delivery of municipal services, and how the request impacts the planned capacity of municipal services. Amendments shall not be granted indiscriminately and shall only be granted when necessary to reflect changes in the goals and policies of the community via agreement between municipality and county as reflected in the county's comprehensive development plan.

### **Proposed Findings**

After completing the necessary research for this proposal, staff has developed the following proposed findings for consideration by the Planning Commission and County Board.

1. The predominant land use in the immediate vicinity of proposed map amendment is residential. The expansion of the light industrial district and associated uses has the potential to negatively impact the existing permitted residential uses.
2. The proposed map amendment is not consistent with Section 24-501 Purpose of the Urban Fringe Overlay district which states: "Some of the nonfarm land uses within the underlying districts are not compatible with, and/or may interfere with, the orderly development of the area for future urban uses if allowed to develop without the limitations imposed by this UFD."

3. The streets adjacent to the proposal were platted to have a 66-foot right-of-way and were built to be approximately 25 feet wide. The actual street surface width does not meet the street design standard for Local Streets in the County Code, which is 30 feet. The Code states: “Local streets shall be designed to benefit from the topography, to discourage through traffic, and to provide the minimum number of streets necessary for safe access to adjacent properties.”
4. The proposed map amendment is not consistent with the County Land Use Plan’s Development Objective which states: “Future growth and development in the urban fringe districts near Mankato, Eagle Lake, and Madison Lake should be steered to the municipalities and be consistent with orderly annexation agreements, land use plans of the affected jurisdictions, MAPO transportation plans, MATAPS, and other local and regional transportation plans, protection of natural resources, the County Greenprint, County Land Use Plan, and other local and regional plans. “
5. The proposed map amendment conflicts with the Housing Goal of the Land Use Plan which states: “Housing developments in rural areas, shall have adequate separation between residential and non-residential uses.”
6. The County Land Use Plan’s natural resources objective states: “Land use planning and management have an important role in protecting groundwater resources. Land development projects and proposals should minimize potential for groundwater contamination.”
7. The proposed map amendment is an area with high pollution sensitivity for the bedrock surface and near surface materials. Expanding industrial uses in an area like this with high pollution sensitivity has the potential to negatively impact ground water.
8. The applicant’s proposal does not include any provisions for permanent stormwater management.
9. The proposed map amendment is not consistent with the Land Use Objective of the County Land Use Plan which is to: “Preserve the health, safety, and welfare of all residents and the environment in Blue Earth County.”
10. The map amendment that was approved on the Lorentz property in 1981 was likely an example of Spot Zoning which can be defined as “the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area for the benefit of the owner of such property and to the detriment of other owners.” (Anderson's American Law of Zoning)

11. The proposed map amendment could also be considered an expansion of the Spot Zoning that was approved in 1981 as it is inconsistent with the land use of immediately adjacent parcels and does not promote the public health, safety and welfare.

### **Recommendation**

Staff recommends **DENIAL** of the request for a Map Amendment to 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.

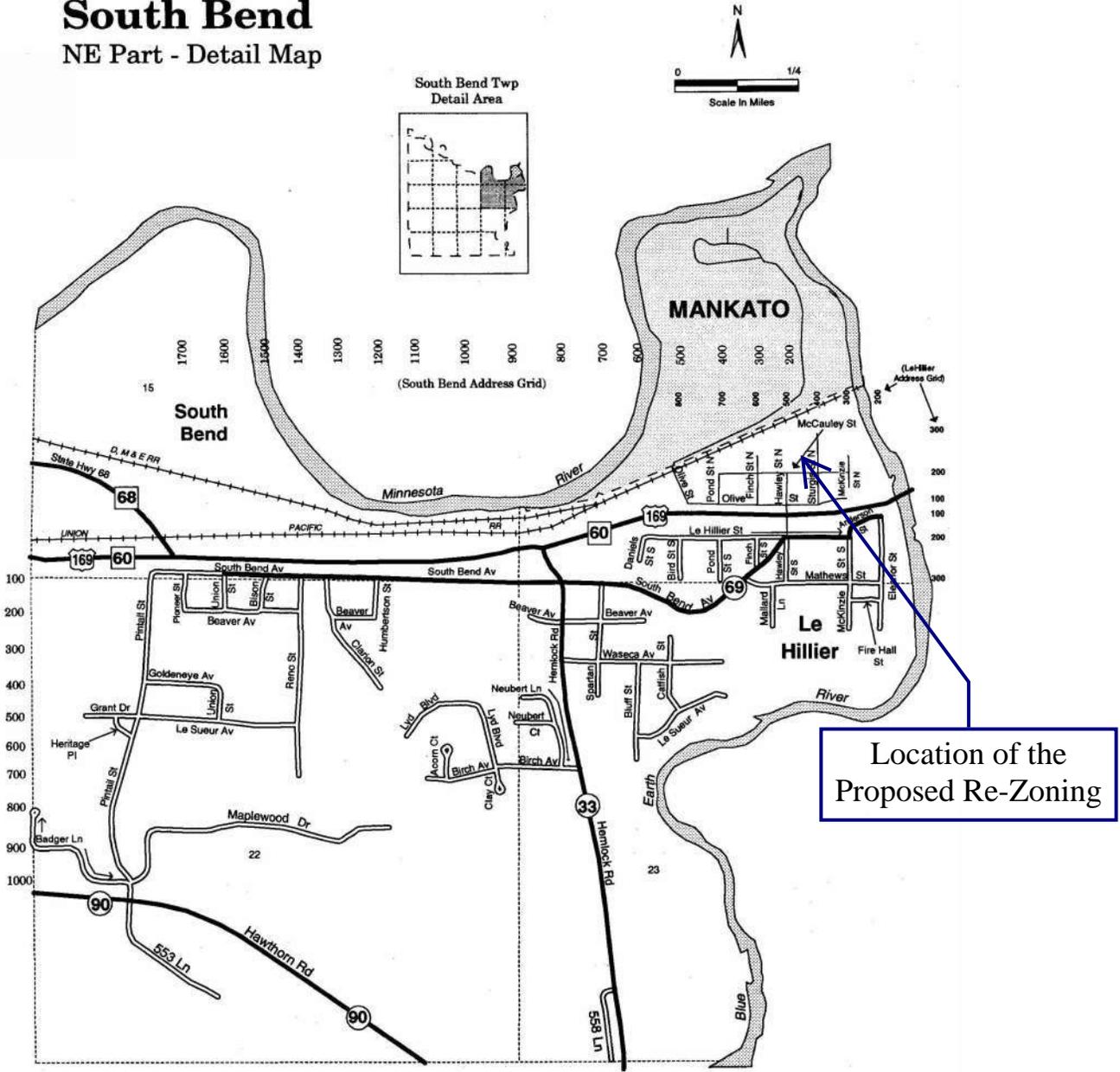
### **Attachments**

- A-1 General Location Map
- A-2 Current Site Map
- A-3 Proposed Site Map
- A-4 Project Plans
- A-5 Topography Map
- A-6 Floodplain Map
- A-7 Shoreland Map
- A-8 Re-Zoning Maps
- A-9 Pollution Sensitivity Maps
- A-10 Environmental Health Review
- A-11 Sec. 24-252. Light Industrial Uses
- A-12 Correspondence from neighbors

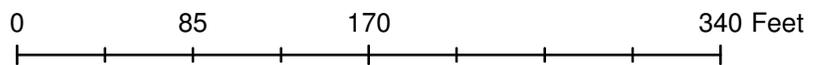
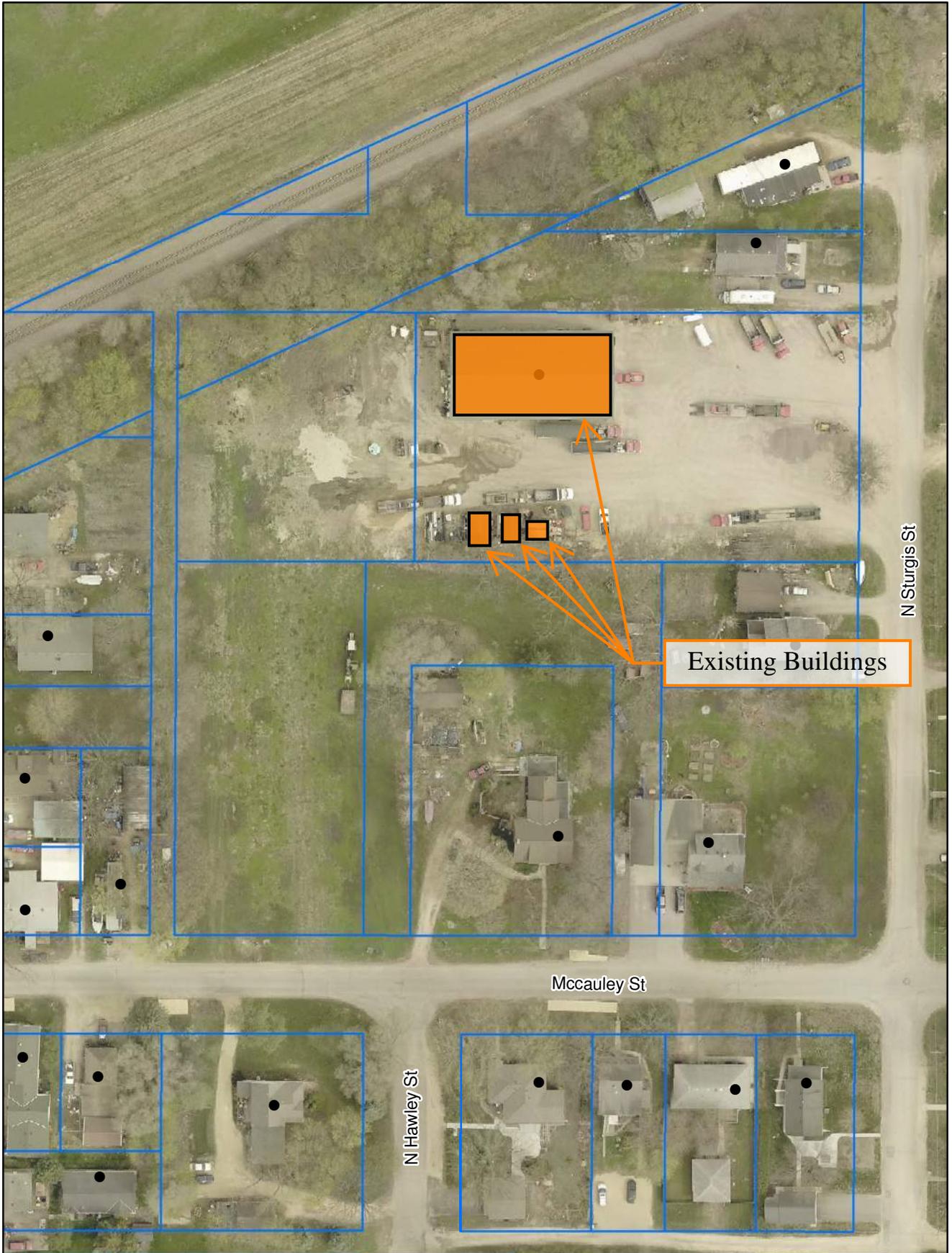


# General Location Map Attachment A-1

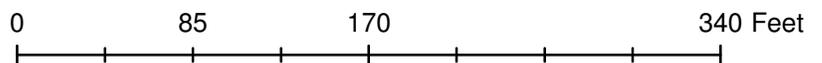
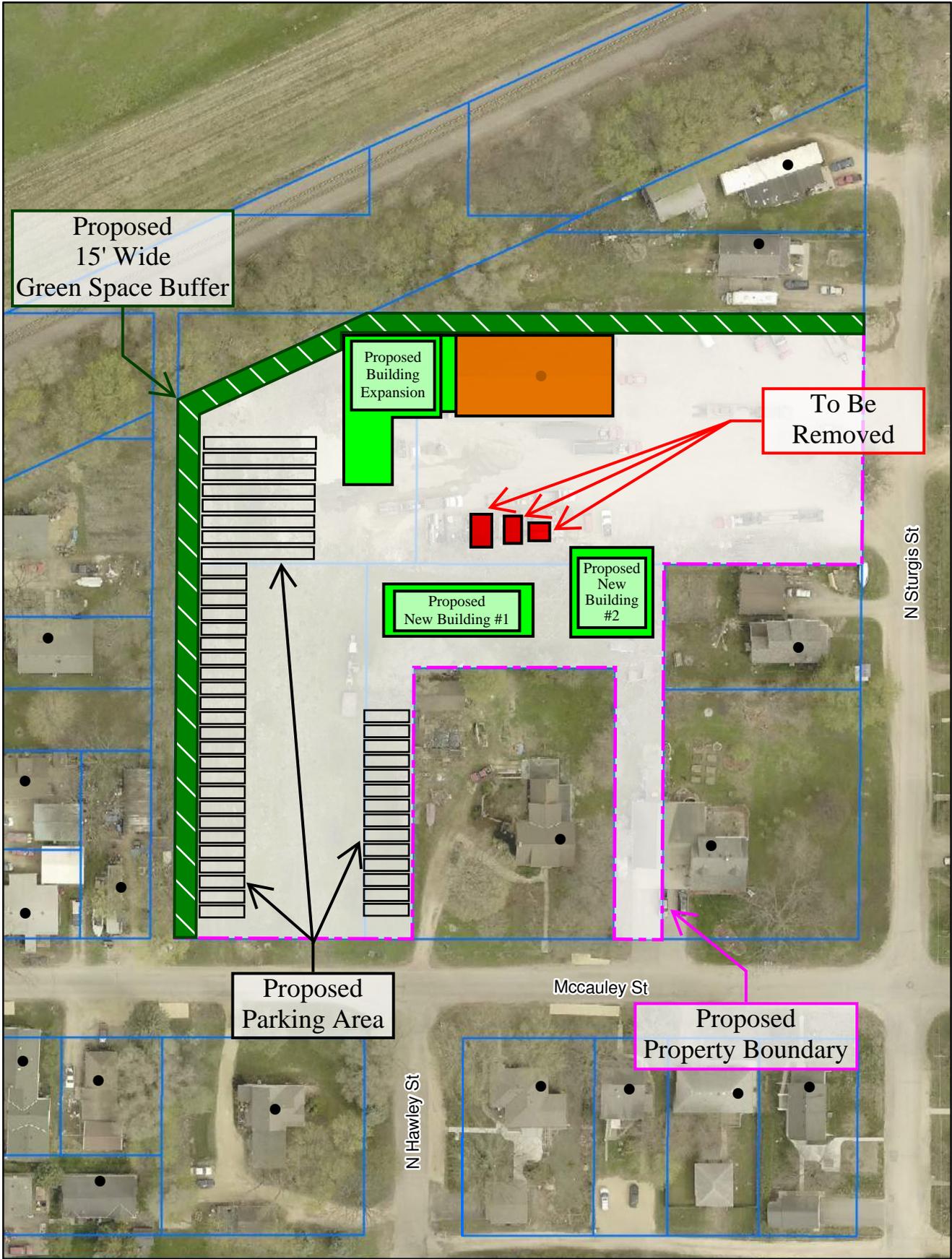
## South Bend NE Part - Detail Map



# Current Site Map Attachment A-2

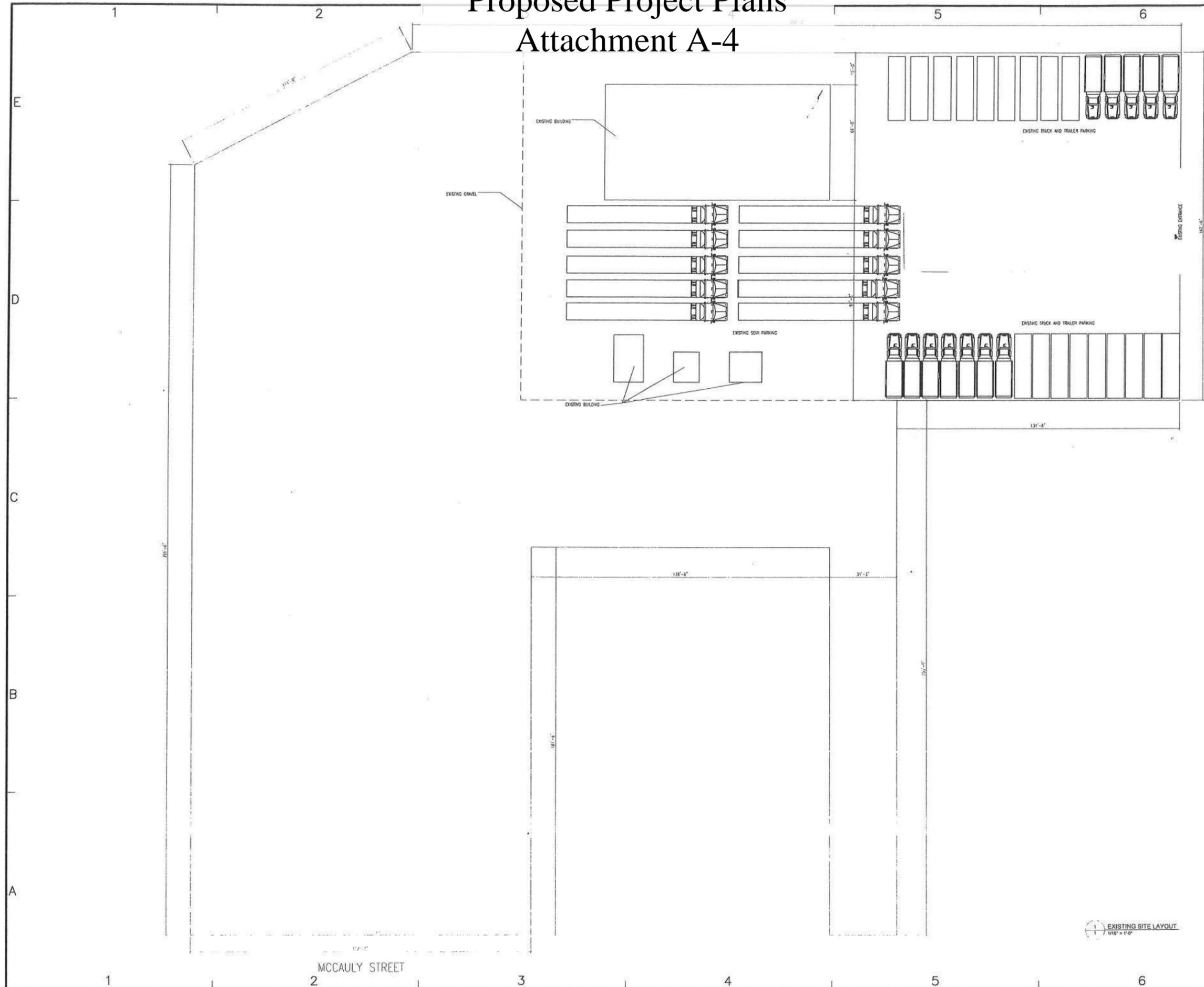


# Proposed Site Map Attachment A-3



# Proposed Project Plans

## Attachment A-4



**DeMars**  
CONSTRUCTION  
GENERAL CONTRACTING

WENDELL LORENTZ AND SONS  
CONSTRUCTION  
MANKATO, MN

MARK	DATE	DESCRIPTION

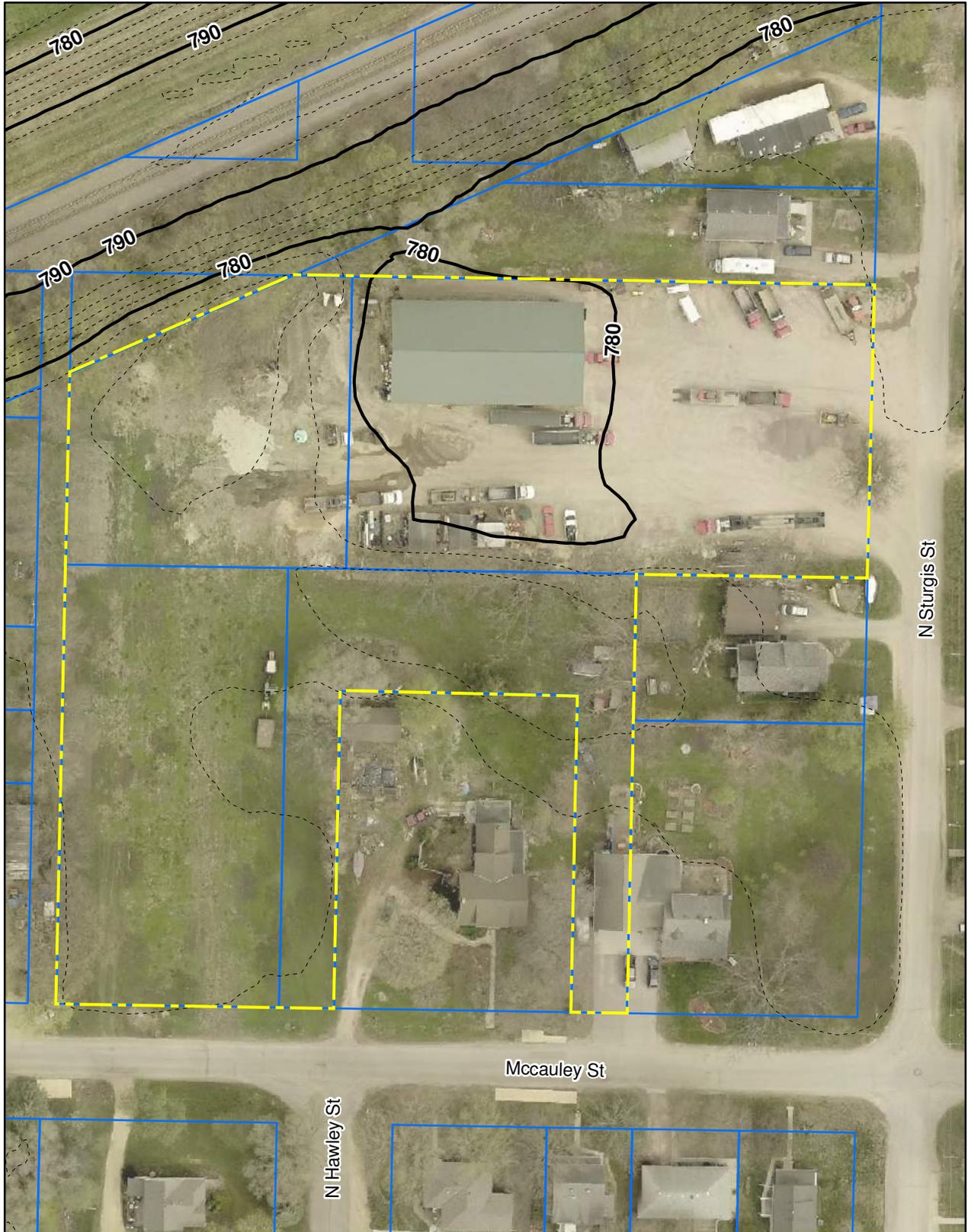
PROJECT NO: \_\_\_\_\_  
 CAD DWG FILE: LORNTZ 816 PLAN 01 11 19200  
 DRAWN BY: BLANCHARD  
 CHECKED BY: MCKENNA  
 COPYRIGHT: 2018

SHEET TITLE  
**EXISTING SITE PLAN**

EXISTING SITE LAYOUT  
1/8" = 1'-0"



# Topography Map Attachment A-5



## Elevation Contour

~ Index (10 Ft)

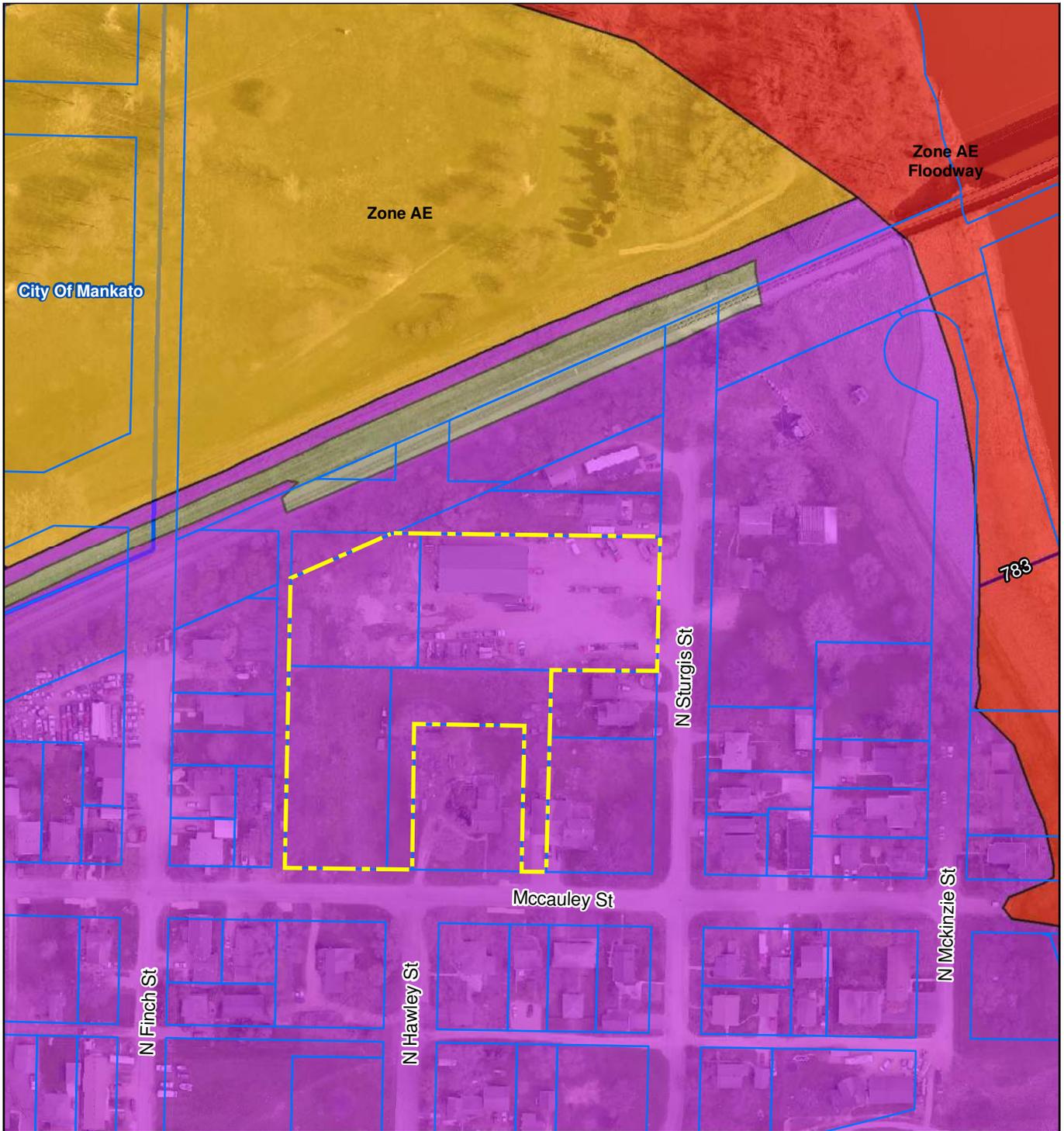
- - - Intermediate (2 Ft)

0 70 140 280 Feet



Source: Contours - MN LiDAR 2012

# Floodplain Map Attachment A-6

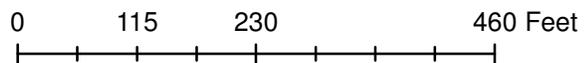


## Special Flood Hazard Area (1% Chance Annual Flood)

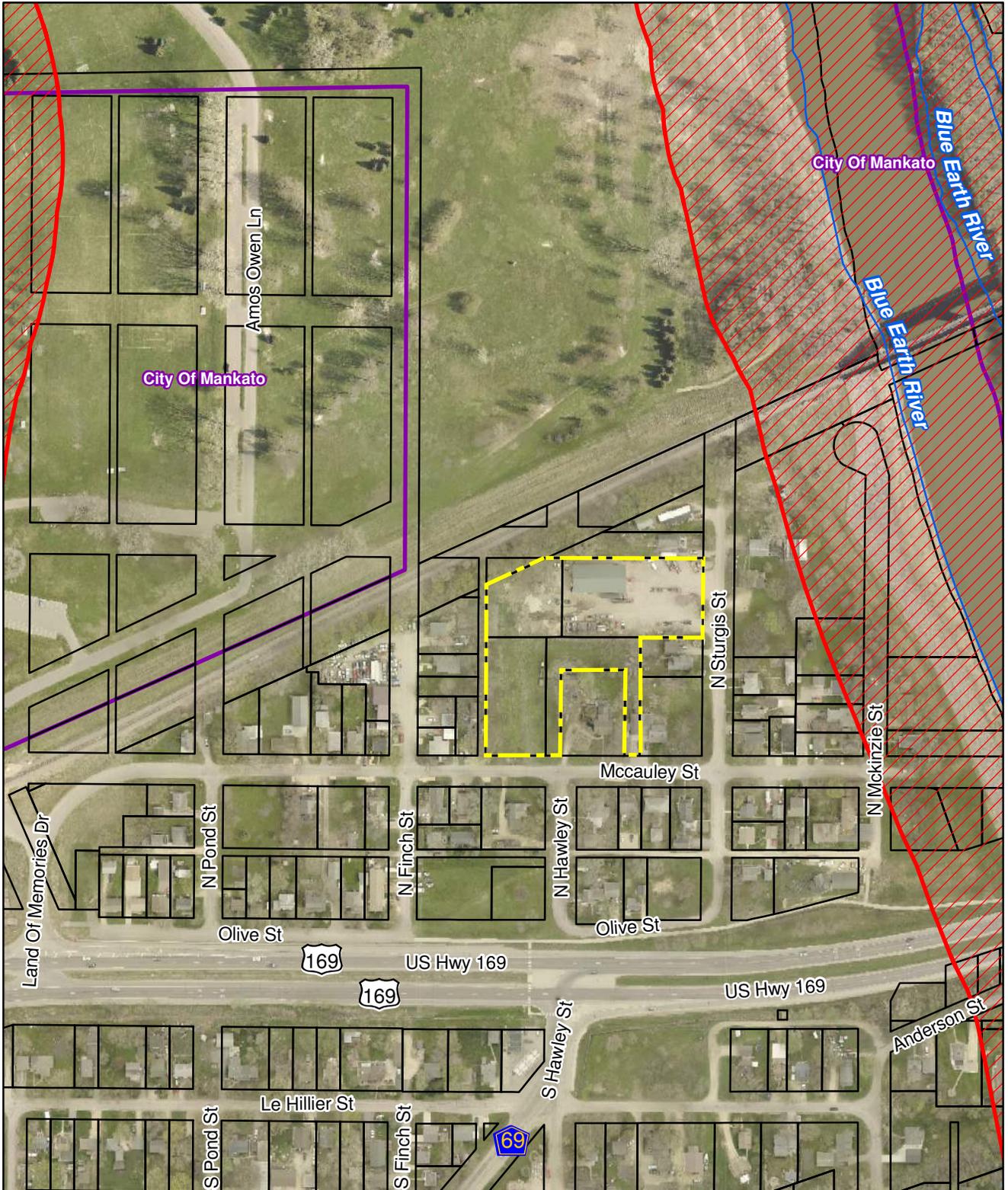
- Zone AE - Floodway
- Zone AE - Floodfringe
- Zone A - No Base Flood Elevations

## Other Flood Areas - Zone X

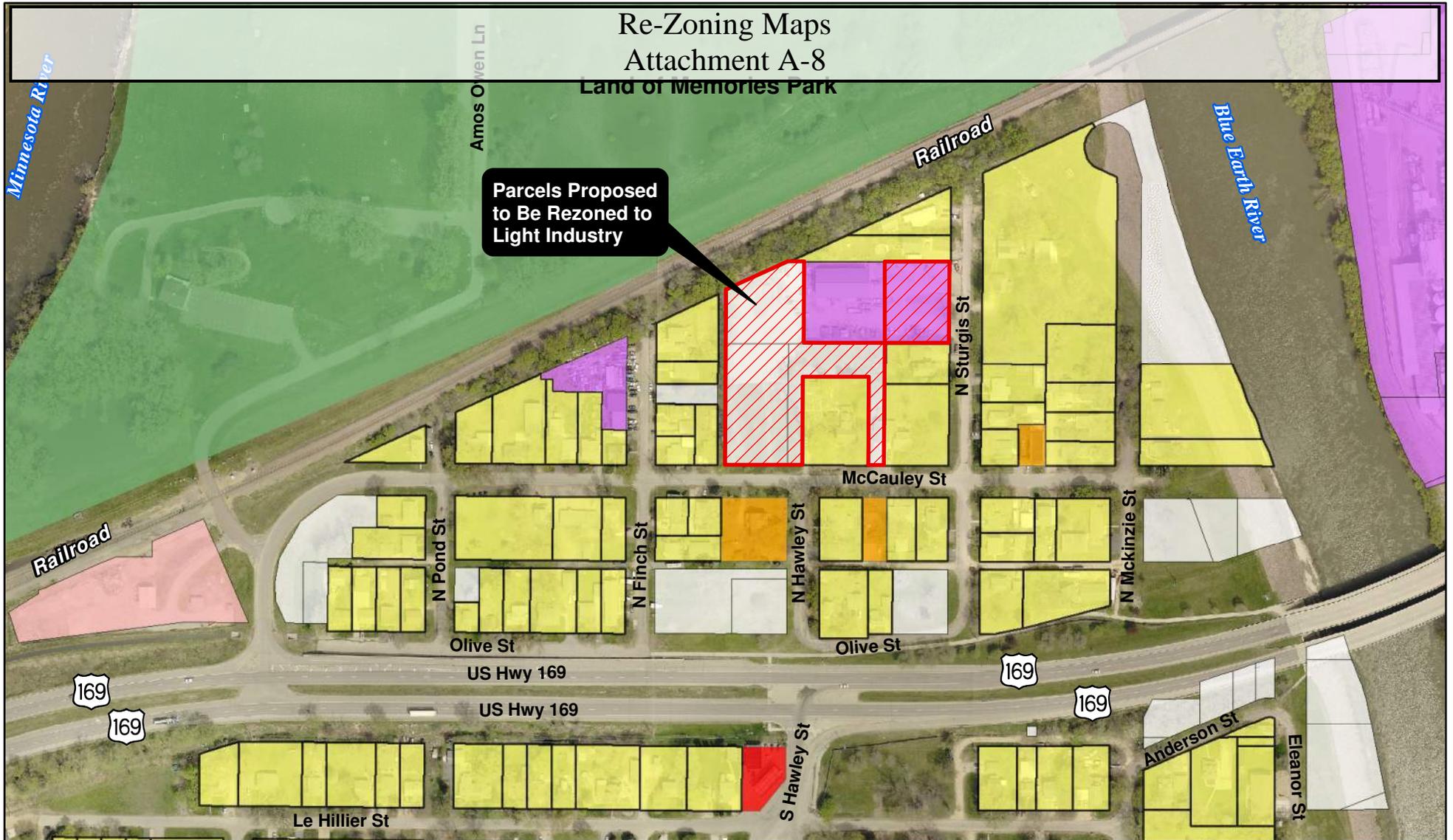
- Area Protected By Levee



# Shoreland Overlay Map Attachment A-7

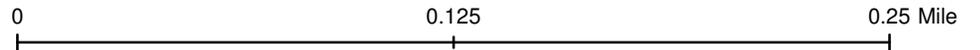


# Land Use - June 2019



Parcels Proposed to Be Rezoned to Light Industry

 Parcels Proposed to be Rezoned



## Land Use - June 2019

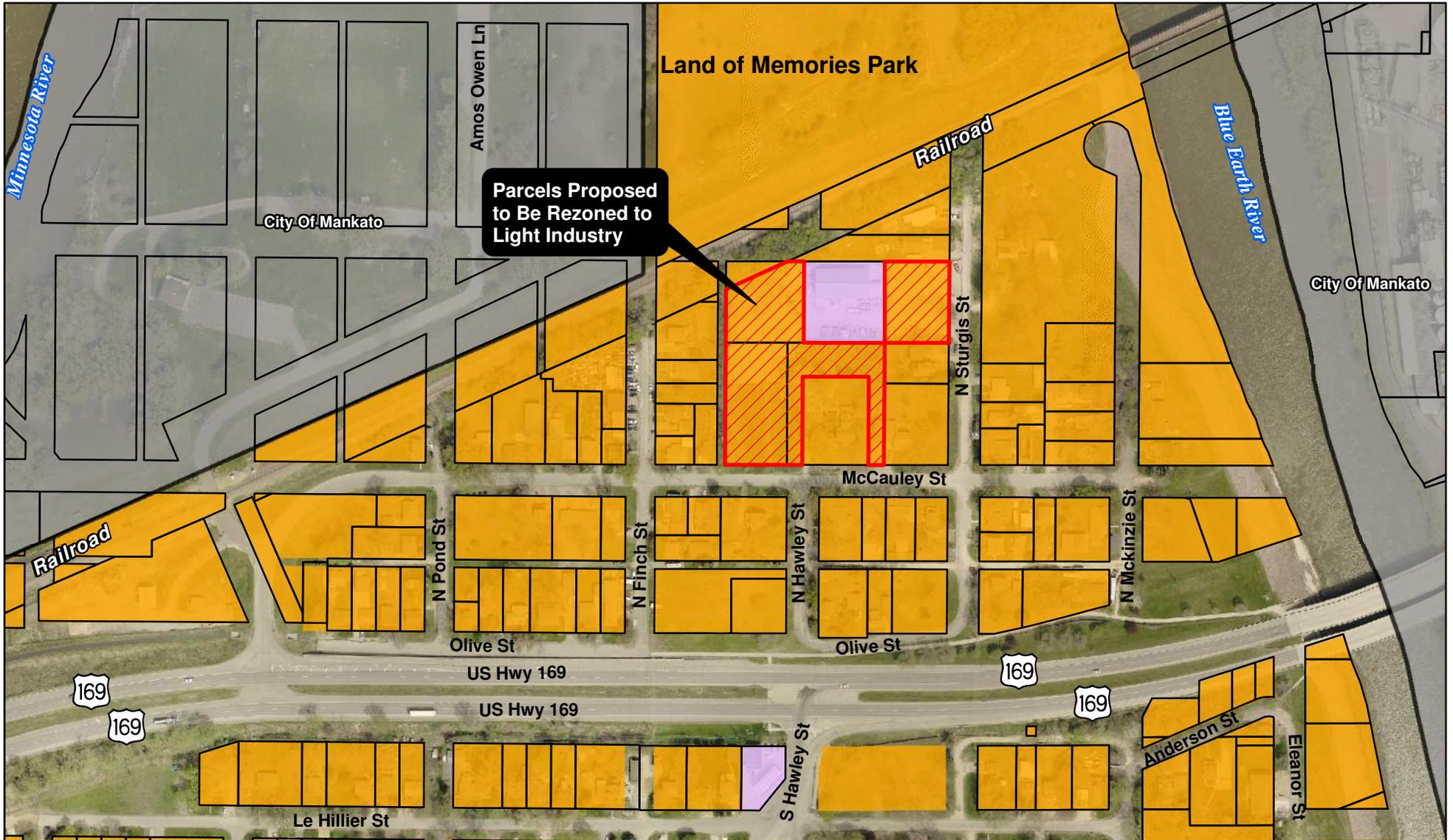
- |   |   |
|---|---|
|  Single Family Residential       |  Park                      |
|  Two or Three-Family Residential |  Storage/Utility           |
|  Commercial                      |  Undeveloped or Open Space |
|  Industrial                      |   |



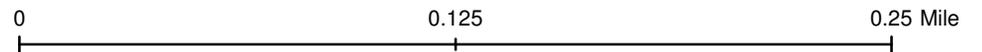
Prepared By: Blue Earth County  
June 2019

Source: 2019 County Aerial Photo  
Parcels, Assessor's Database  
& Field Inspection June 2019

# Zoning Map



Parcels Proposed to be Rezoned to Light Industry



- |  |                                |  |
|--|--------------------------------|--|
|  | Parcels Proposed to be Rezoned | <b>Zoning District</b>   |
|  | Parcel                         |  Rural Townsite |
|  | City                           |  Light Industry |

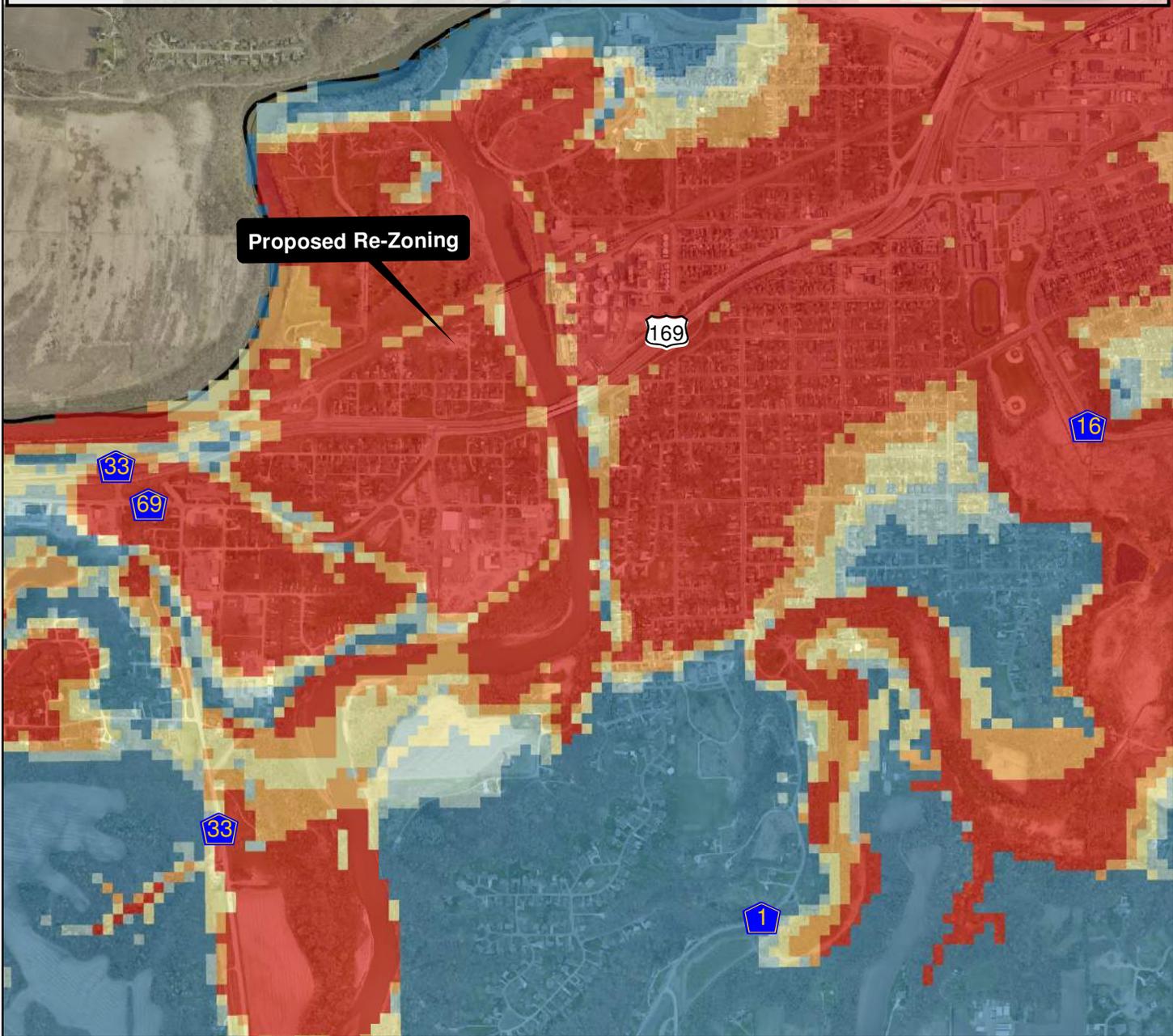


Prepared By: Blue Earth County  
June 2019

Source: Blue Earth County  
Property & Environmental Resources

# Pollution Sensitivity of the Bedrock Surface

## Pollution Sensitivity Maps Attachment A-9



**Pollution Sensitivity Rating: Estimated vertical travel time for water-borne contaminants to enter a bedrock aquifer**

- Very High: hours to months
- High: weeks to years
- Moderate: years to decades
- Low: decades to a century
- Very Low: a century or more

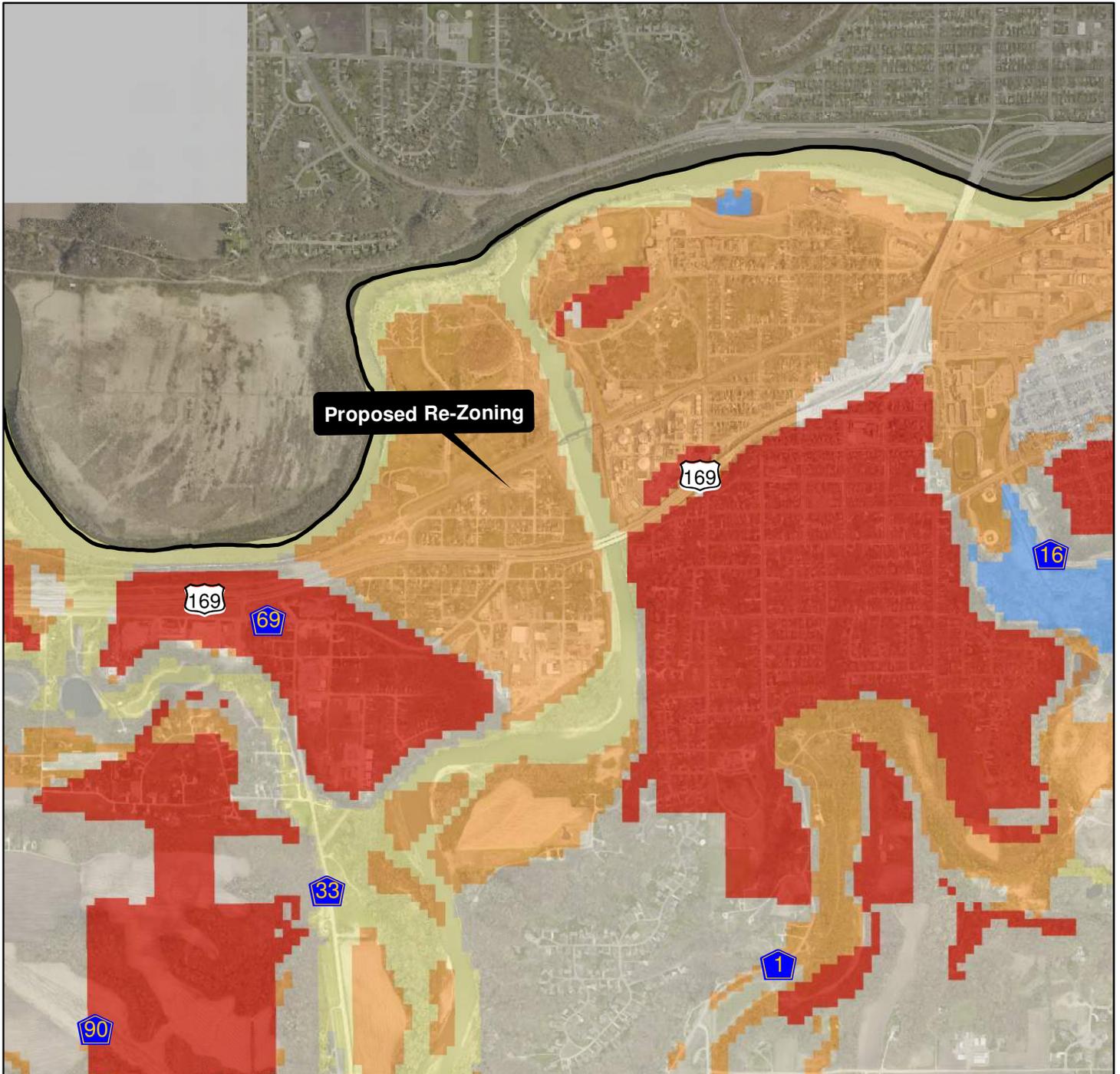


0 1,000 2,000 Feet

Prepared By: Blue Earth County  
2019

Source: Geologic Atlas of Blue Earth County - Part B  
Minnesota Department of Natural Resources  
2016

# Pollution Sensitivity of Near-Surface Materials



## Pollution Sensitivity: Estimated vertical travel time through near-surface materials

- |  |  |
|--|--|
|  High: hours to a week      |  Karst <sup>1</sup> |
|  Moderate: a week to weeks  |  Bedrock            |
|  Low: weeks to months       |  Water              |
|  Very Low: months to a year |  |



0 1,000 2,000 Feet

Prepared By: Blue Earth County  
2019

Source: Geologic Atlas of Blue Earth County - Part B  
Minnesota Department of Natural Resources  
2016

<sup>1</sup> Karst allows a direct, very rapid exchange between surface water and groundwater and significantly increases groundwater contamination risk from surface pollutants.

This pollution sensitivity model assumes a 10-foot-deep water table and vertical travel of possible pollutants through unsaturated, near-surface materials.

Environmental Health Review  
Attachment A-10  
**BLUE EARTH COUNTY**  
**ENVIRONMENTAL SERVICES**

*Government Center, 410 South Fifth Street  
P.O. Box 3566, Mankato, Minnesota 56002-3566  
Phone: (507) 304-4381 Fax: (507) 304-4431*

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**Environmental Health Section - Planning Application Reviews**

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<b>Date Printed:</b>	June 19, 2019	<b>Permit Number:</b>	PL2019053
<b>Property Owner:</b>	LORENTZ ROBERT W	<b>Applicant:</b>	LORENTZ ROBERT W
<b>Parcel Number:</b>	R50.08.14.401.016R50.08.14.401. 008R50.08.14.401.009	<b>File ID:</b>	PC 15-19

**Application Description:** Request for review and approval of a Map Amendment. The proposed Map Amendment would rezone three 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.

**Septic Review**

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**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 06/05/2019 9:40 AM

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**Well Review**

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**Status:** Complete - Comments Received

**Comments:** A review of the site plan for the existing and proposed uses of this property does not show any wells on this property. A drive by inspection revealed that there are at least two monitoring wells in the road ROW adjacent to this property. The proposed map amendment does not appear to negatively impact the known well situation on this property / property adjacent to this property but the well situation will be re-addressed if this map amendment is passed. grant  
06/14/2019 3:42 PM

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**Wetland Review**

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**Status:** Complete - Comments Received

**Comments:** The soils are classified as somewhat poorly drained with a hydric rating of 20 percent. There are no NWI identified wetlands on any of the parcels of interest. Based on an aerial photo review, it does not appear that any wetlands will be impacted by the proposed Map Amendment to rezone three parcels from Rural Townsite to Light Industrial. Altrichter Kristine 06/04/2019 9:53 AM

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Robert & Debra Ziegler, 418 McCauley St. (residents at this address since 2010)

28 August 2019

**[RE: Lorentz request for rezoning, South Bend Township]**

We live in the oldest house in Blue Earth County, the house which – if the Proposal comes to fruition – will be surrounded on all sides by ‘light industrial’ rezoning: from the blending neighborhood environment established over the past 162 years to the ever exuding dissonance of heavy machinery and the trucks to haul those behemoths, the roaring of engines, the beep beep beep backup signals, the clanging of tons of iron against steel, the grinding and pounding of maintenance, the fumes of diesel, and the consecutive roaring down the road of the constant small convoys... the environment which we experience daily (the result of past Spot Zoning) is a hint of what will come.

We have concerns:

- Perhaps the largest physical threat to our house is that of water abatement. The basement is prone to flooding. Almost every year we have some water cleanup and perhaps pumping to do in the spring and on one occasion, in the fall. When the low area which slopes down from our house shows water, we know that we will be pumping until the river falls well below flood stage.

Clayton Young, who lived in our house from 1929 until about 2004, had owned all of the parcels involved in this request, in addition to our parcel. He sold off the portion of the property where the current Lorentz building is located, the property which was rezoned in 1981. Clayton retained ownership of the low lying drainage section.

When Bobby Lorentz later purchased the remaining Young property (with the exception of the field to the west of the house), he cut the property line to about 15 feet from the back of our carriage house, sold the house, and kept that low laying area as part of his property; it is on this section of land which Lorentz is proposing to build the machinery maintenance buildings, behind our property. In order to do this, they would need to fill in the area up to the present level of his existing building pad [at least 5 ft above the low area] – erasing the natural water sink and leaving our basement as the only low area the water could go.[Our house is 27 yards from the property line.] This might also impact other nearby property owners.

In addition, continuing the pad Lorentz has started in the field to the west of our property as a parking area for trucks and a haul road from the large higher elevation pad where his buildings are, would establish a higher ground area, draining more water into our yard and probably onto the neighbors to the west of the area.

Given that our house has a limestone wall foundation, over time, excessive water has a deteriorating effect on the chinking and, eventually, the stone itself.

We do not know how we could possibly ameliorate this whole situation.

This past year has been the worst in terms of basement flooding. In the past, we have commonly had issues for a day or two. This year, we had several inches of water for over two weeks, and had to replace our water heater. Bob was forced to take three days off work and Deb worked tirelessly to man the pump day and night to keep the water from rising. We believe that – although it was a wet year – the situation was exacerbated by the pad which Lorentz built in the northern part of the field west of our property above the low lying area; this raised the grade of the land. We also believe that the mountain of snow atop the pad, which we understand was hauled from Lorentz snow removal operations in Mankato, made the problem worse as it melted.

Even now, with the river as low as it is, the low lying area, sinks under one's feet upon walking it. This is the natural sink for this surrounding.

- With an extension of the physicality of industry into the vicinity of our home, comes an inherent escalation of factors which will greatly diminish the enjoyment and use of our property. The fleet of trucks parked to the west [23 yards from the property line to our house] would undoubtedly cause fumes from the diesel engines to become the new normal of the air we breathe. The trucks – which can begin warming up as early as 4:30 am and return as late as 10 pm – are intrusively loud; the backup alerts are often and extremely noisy, as designed. The trucks roll continuously throughout the year, including weekends and holidays. The noise – clanging and grinding - from the shop is disruptive at present, not only outside, but also from within our house with its 2 ½ foot stone walls. If the new maintenance shops are built on the edge of our property, the level of noise would reach a magnitude which could make it impossible for us to enjoy our home. The ground is highly porous to pollution, and that pollution, including the runoff from the frequent power washing of the trucks - would find its way directly into our soil, our basement – and possibly into the homes of other neighbors. For enjoyment and sustenance, we have been extensively developing perennial flower landscaping and organic garden beds, and find the proposed expansion of activity a threat to our health and the use our home.
- The behavior and attitude of the Lorentz group is not what one would expect from a good neighbor.  
The aforementioned snow pile shows disregard of the consequences of flooding and potential chemical infusion into the water system.  
Likewise, Lorentz boldly created the pad on the western parcel and built up the higher grade pad around the building - with a gravel ramp between - to accommodate and expand an environment for more and heavier machinery, before giving any notice or requesting rezoning to light industrial. Through this action, he displayed an indifference to the residents of this neighborhood and to our elected township officials.  
When Lorentz was informed by the township that a public hearing would need to be conducted for approval of the proposed work – which was already in progress - Andrew Lorentz attended the meeting, but sat in the back of the room, arms crossed, chatting with a couple of his work staff. When asked questions by the board members and the residents

of the community, he evaded the questions. For example, when asked how many trucks he had, he would only respond that he did not know. As he carried on his side conversation with the other two, the Board members had to interrupt him to get a response. He seemed disinterested: When asked if he would be willing to start his trucks later than 4:30, he responded, "No." When he was told by a board member that the residents obviously had concerns and were very upset, and asked if he would be willing to do anything to work with their concerns, or to even have a dialog with them, he gave the same one word response. When Deb mentioned that he was probably not aware of it, but that his security light was shining directly into our living room window, and asked if he could please adjust it, he merely turned his head to the side. The consensus of the neighbors is that he does not care about them or what their concerns might be.

When we first moved here, we met Bobby Lorentz at a neighborhood gathering. In the course of conversation, he mentioned that he could cut the trees on his property which were near our carriage shed. We mentioned that we liked the Black Walnut trees so they were OK. As the years went by, we realized that the tree limbs were brushing our roof and creating a problem. Since Bobby was ill, we left messages on Andrew's voice mail. We also contacted everyone at the shop and at the office who we could get a hold of, who all assured us that they would contact Andrew. That was about two years ago. We repeated the attempted communication process about a year ago, but again were never contacted. We finally ended up paying over \$1,000 to have the tree branches removed.

We feel that with the lack of respect that Andrew has shown us – and the neighborhood - right down to not contacting us about his plans to develop the land surrounding our property, that we can not trust him to stay within either the letter or the spirit of whatever zoning or conditional use permit he may be granted.

The overall effect of the rezoning is to push us out of our home, yet we - like the water - have no place else to go. It is doubtful that under these circumstances, the house could be sold at a fair price. We owe too much on the mortgage to be able to finance a total loss.

We genuinely request that members of the Board come to our house so that we can show them the lay of the land and see firsthand the proximity of the proposed construction, as we know that it can be difficult to truly perceive the situation from the two dimensional maps.

Respectfully submitted,

Robert L. Ziegler  
Debra A. Ziegler







Proposed  
truck parking  
4 through  
road

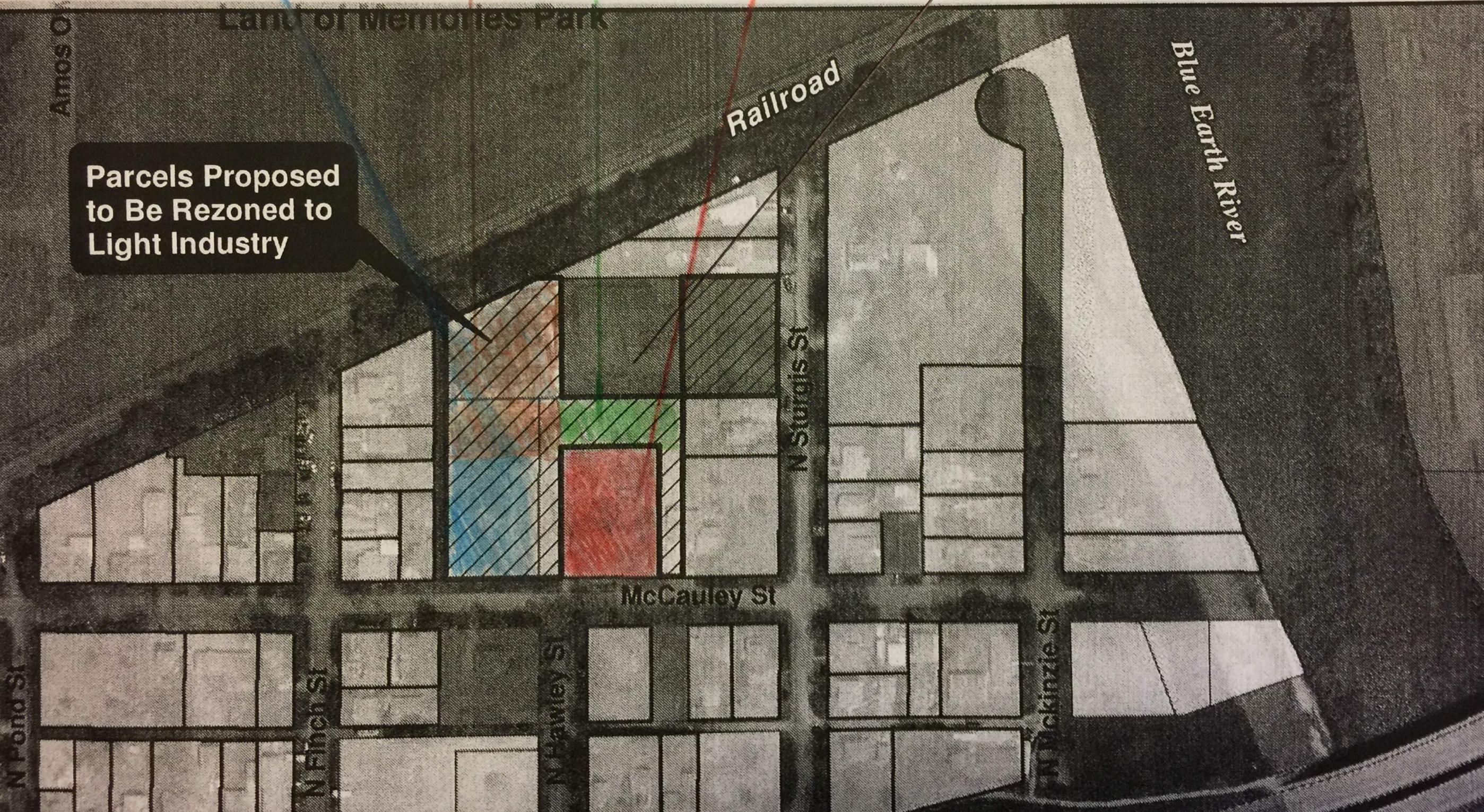
New gravel  
pad

Low lying  
Area

Ziegler  
Parcel

Lorentz  
Current Shop  
and Parking

Parcels Proposed  
to Be Rezoned to  
Light Industry



Land of Memories Park

Railroad

Blue Earth River

Amos O

N Pond St

N Finch St

N Hawley St

N Sturgis St

N McKinzie St

McCauley St





SPEED  
LIMIT  
30



**REGARDING THE REZONING REQUEST for  
LORENTZ CONSTRUCTION..**

**July 3, 2019**

I have lived at 425 McCauley St. since November of 1960. I own this home and have the right to the peace which is assumed by the Residential zoning of the north side of LeHillier, with 2 exceptions which were preexisting small businesses and since the year 2000 the property at 211 N Sturgis St. That property was rezoned at that time to accommodate the Wendell Lorentz Construction Co., consisting of three (or possibly 4, per Ruth Lorentz) gravel trucks. This business had been keeping their equipment at their homestead which is located on what is now Olive St. In retrospect this should not have happened as in the last several years this business has grown a lot and in the last two years has perhaps doubled again. I now have semi-trucks driving past my house, flatbeds hauling large earth moving equipment and various other equipment including, but not limited to, gravel dump trucks, caterpillars, skidsteers, bobcats and snow removal equipment. Also there are many pickups and vendor trucks traveling the streets. In addition there are several trucks and equipment from Q3 Construction, a different company. Are they renting parking space? Are there any "same business" restrictions when rezoning is requested? This traffic goes on day and night and 7 days a week.

Now this business is requesting the rezoning of another large piece of property in order to expand their business. Please see the attached drawing of the proposed expansion and know this property is offset from mine only by the width of Hawley St. If this rezoning and expansion is allowed I will be deprived of my quality of life and my property will be devalued. It will be like living across from a truck stop.

Here follows some other facts to consider:

LeHillier does not have sidewalks so the many small children who reside here sometimes ride their trikes, bikes, skateboards, etc. on the streets. During the school year they have to walk on the side of the streets to the bus stop. Semis and children with trikes/bikes do NOT mix and this is an accident waiting to happen.

It seems that this project which requires rezoning was begun without going through the proper first steps, i.e. an information meeting with affected property owners. Hats off to the South Bend Township Board for scheduling that and then for returning a NO decision against this request, as some clearing and leveling had already been done in anticipation of just moving ahead with their plans.

I hope that the Blue Earth County Commissioners, after considering all the negativities associated with this project, including the environmental issues being presented by others, will decide the rezoning should not be granted. I wish the Lorentz family much success in growing their business but not here in this residential neighborhood.

Shirley A. Rosenau  
425 McCauley St.  
Mankato, MN 56001  
Phone: 507.387.7008





**Property Owner**

Michael & Susan Jaeger  
12252 576<sup>th</sup> Ave  
Mapleton, MN 56065

**Applicant**

Eric Jaeger  
205 Garfield St. SW  
Mapleton, MN 56065

**Request and location**

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.

**Legal Description**

Part of the Northeast Quarter of the Southwest Quarter of Section 8, Mapleton Township.  
(T-105-N, R-26-W)

**Zoning**

The property is zoned Agricultural.

**General Site Description and Project Proposal**

The entire property consists of 10.06 acres and includes one single-family dwelling, five farm storage sheds, one total confinements swine barn, and a grain handling system. The applicant is proposing to construct a second total confinement swine finishing barn. The existing site is permitted for 320 animal units. The proposed expansion would increase the total number of animal units to 1,280 Blue Earth County defined animal units. In May of 2019 a variance was approved (BOA 04-19) to reduce the minimum lot size from 40 acres down to 10 acres.

The proposed expansion consists of one 2,400 head swine finishing barn, which features a below barn liquid manure storage area. The applicant intends to remove an aging grove of trees to accommodate the new barn. The applicant has stated that he intends to plant some new trees along the North Side of the property. 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 compost pig mortalities.  
See Attachment A-3

**Project Outcome**

If approved, the applicant will construct and operate one 2,400 head swine finishing barn in the Agricultural Zoned District of Section 8, Mapleton Township. The site will have a final capacity of 1,280 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. The Conditional Use is consistent with the goals and policies established in the Blue Earth County Land Use Plan.

**Existing Land Use within ½ Mile**

**North:** Cropland, wetland, 124<sup>th</sup> Street (township road), one farmstead, and Tile Ditch JD45

**South:** Cropland, Tile Ditch JD45, and a wetland

**East:** 576<sup>th</sup> Avenue (township road) Cropland, Tile Ditch JD45, and Tile Ditch CD57

**West:** Cropland, wetlands, and Tile Ditch JD 45

**Road Access**

There is no change in access being proposed. The existing access is to and from 576<sup>th</sup> Avenue, a Township Road.

**Manure Management**

The applicant has submitted a completed manure management plan (MMP) using an MPCA provided form. The applicant has proven to provide enough acreage to land apply the manure generated in any given year.

**Method of Manure Application**

Manure will be pumped in the fall by a licensed commercial animal waste technician. Manure will be immediately incorporated by sweep injection. When necessary, and allowed, manure may be surface applied, provided all applicable setbacks are met. See Attachment A-7

**NATURAL RESOURCES INFORMATION**

**Area Water Features**

There are no rivers, streams or lakes within one mile of the proposed barn. Some of the land used for land application does boarder some water features, but with adherence to the appropriate setbacks, pollution should not occur.

**Topography**

According to the County's two-foot contour map, the property has some gradual slope from East to West. See Attachment A-5

**Floodplain**

The property does not contain any areas of mapped FEMA floodplain. There are not any areas of mapped FEMA floodplain within one half mile of the proposal, therefore no attachment has been included.

**Shoreland**

The property does not contain any areas within a Shoreland Overlay District. There are not any areas of mapped Shoreland Overlay within one half mile, therefore no attachment has been included.

**Predominate Soils**

The Blue Earth County soil survey indicates the project location consists of Guckeen silty clay loam with slopes of 1 to 4 percent slopes. These soils classified as moderately well drained and not highly erodible.

### **Tile Inlets**

The applicant has submitted maps with his manure management plan showing tile inlets on manure spreading acres. The applicant intends to sweep inject his manure and adhere to proper setbacks so that no manure shall flow to the tile inlets.

### **Depth to Bedrock**

Depth to bedrock is approximately 101 - 150 feet, according to the 2012 Geologic Atlas of Blue Earth County.

### **MPCA Review**

The applicant will be required to apply for an MPCA provided Construction Short Form Permit before any construction takes place. This site is what the MPCA considers as a GAP site. A Gap site is when feedlots are over 2,500 head of finishing pigs, but under 1,000 animal units. The MPCA will take the lead on the permitting process.

### **Township Review**

In an email dated August 28<sup>th</sup>, 2019, Mapleton Township Clerk Gail Jaeger wrote that Eric Jaeger had appeared at the regularly scheduled township board meeting on August 19<sup>th</sup>, 2019 to discuss his proposal. After discussion it was determined that Mapleton Township had no objections to the proposal and a motion was made to approve the request as long as all County regulations are followed.

### **Environmental Health Review**

See Attachment A-6

### **Proposed Findings of Fact**

#### **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 Blue Earth County Land Use Plan supports all scales of farming as well as the agricultural economy. Since this proposal is in an agriculturally zoned district, exceeds setback standards, and features below-barn liquid manure storage, there appears to be no conflicts with the Land Use Plan.*
- b. The demonstrated need for the proposed use.  
*The applicant would like to be more involved with the family's hog operation and the addition of a new barn is way to make that possible. Also, 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. The liquid manure storage area is required to be designed and 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 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 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 during routine compliance inspections. During an inspection County staff and/or MPCA looks for any damage to the pit walls, check for any manure in the perimeter tile inspection port, and review land application records. 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 an existing driveway access on 576<sup>th</sup> Avenue, a Township Road. All other necessary utilities are currently provided at the proposed location.*
- 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 existing farm yard appears to provide enough 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. The proposed site location currently has an active feedlot permit for a swine finishing operation. 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 22-19 to construct one total confinement swine finishing barn with a capacity of 2,400 finishing pigs (960 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 22-19.
2. That the feedlot be located on a single, legally described parcel consisting of a minimum of 10.06 contiguous acres. The parcel shall be a parcel of record, properly recorded in the Blue Earth County Taxpayer Services Office.
3. That the applicant must obtain an updated 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 registered 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.

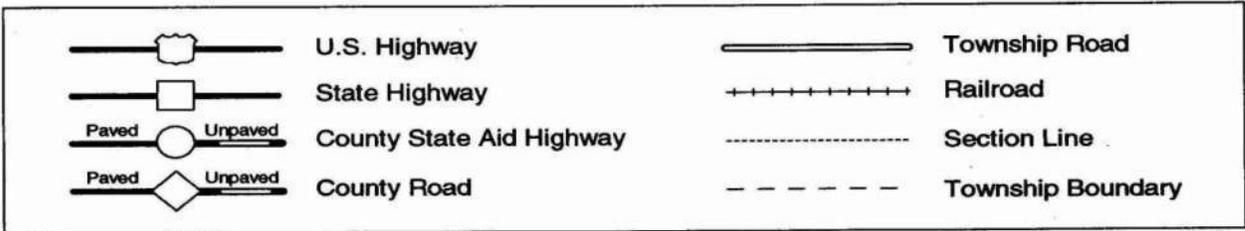
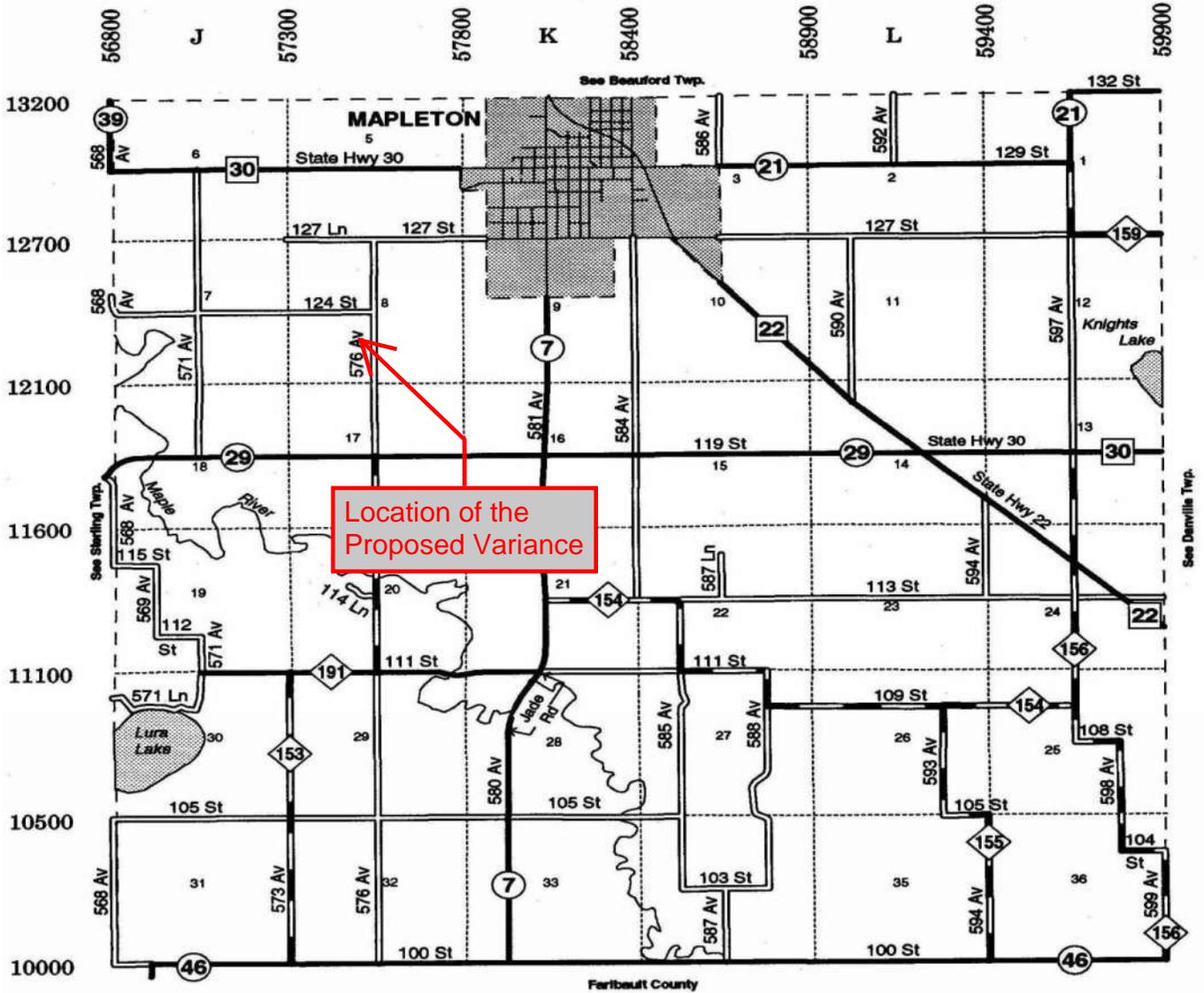
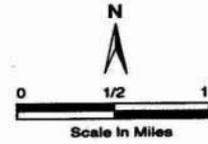
**Attachments**

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

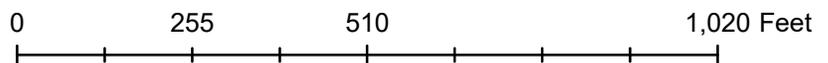
# General Location Map Attachment A-1

## Mapleton

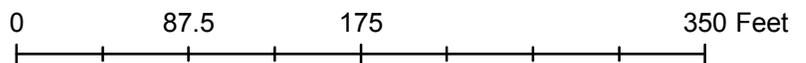
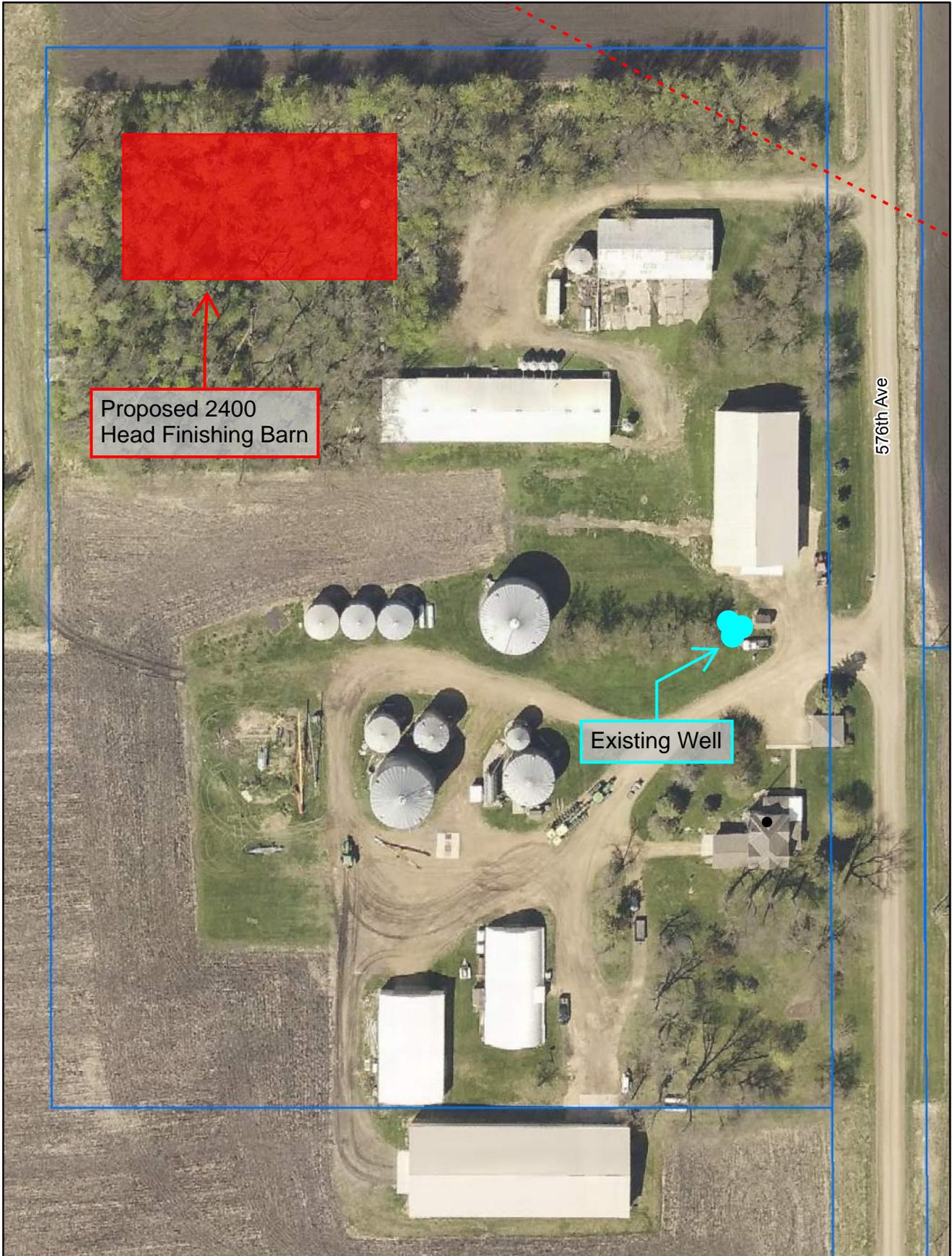
T 105 N - R 26 W



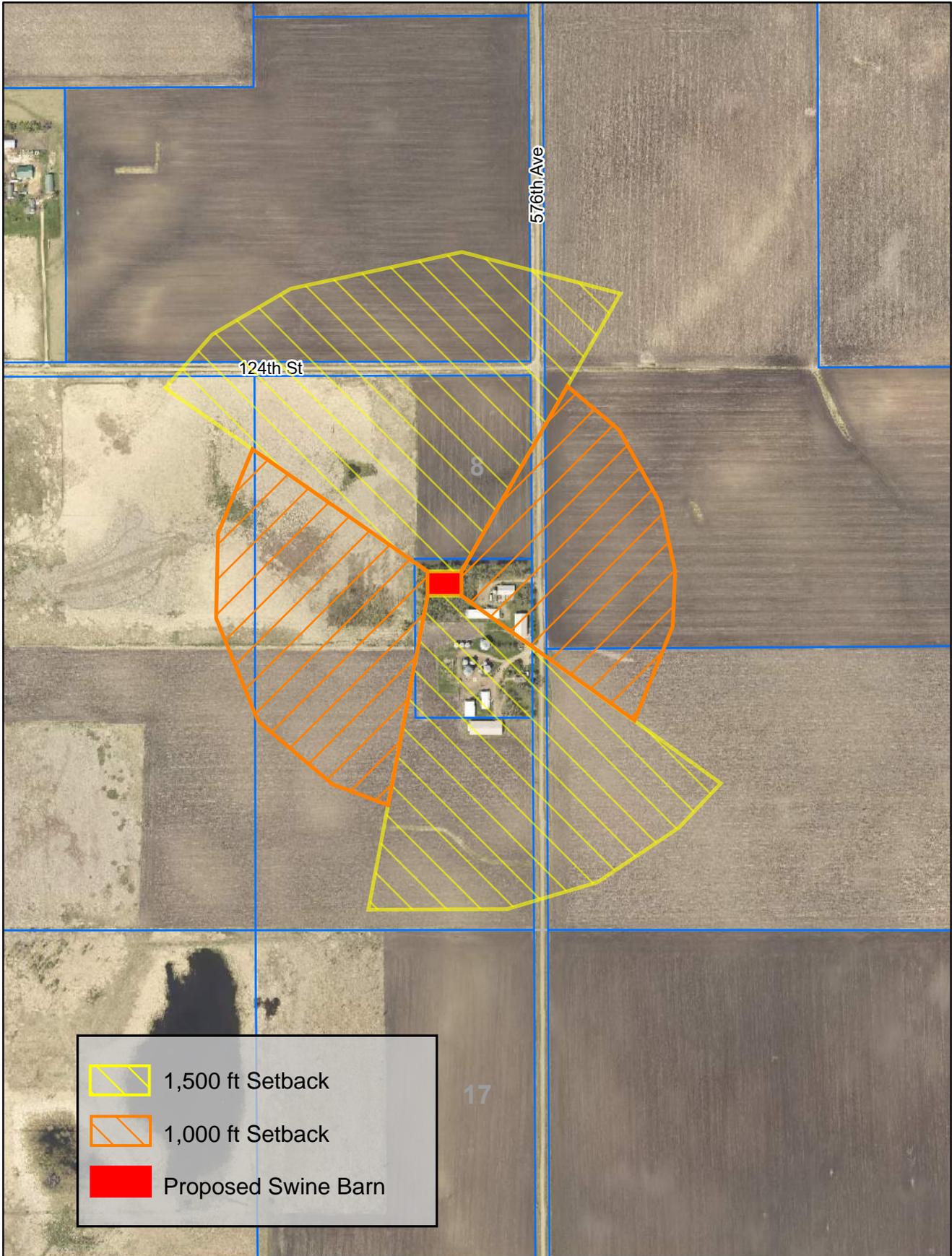
# Current Site Map Attachment A-2



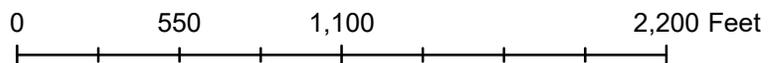
# Proposed Site Plan Attachment A-3



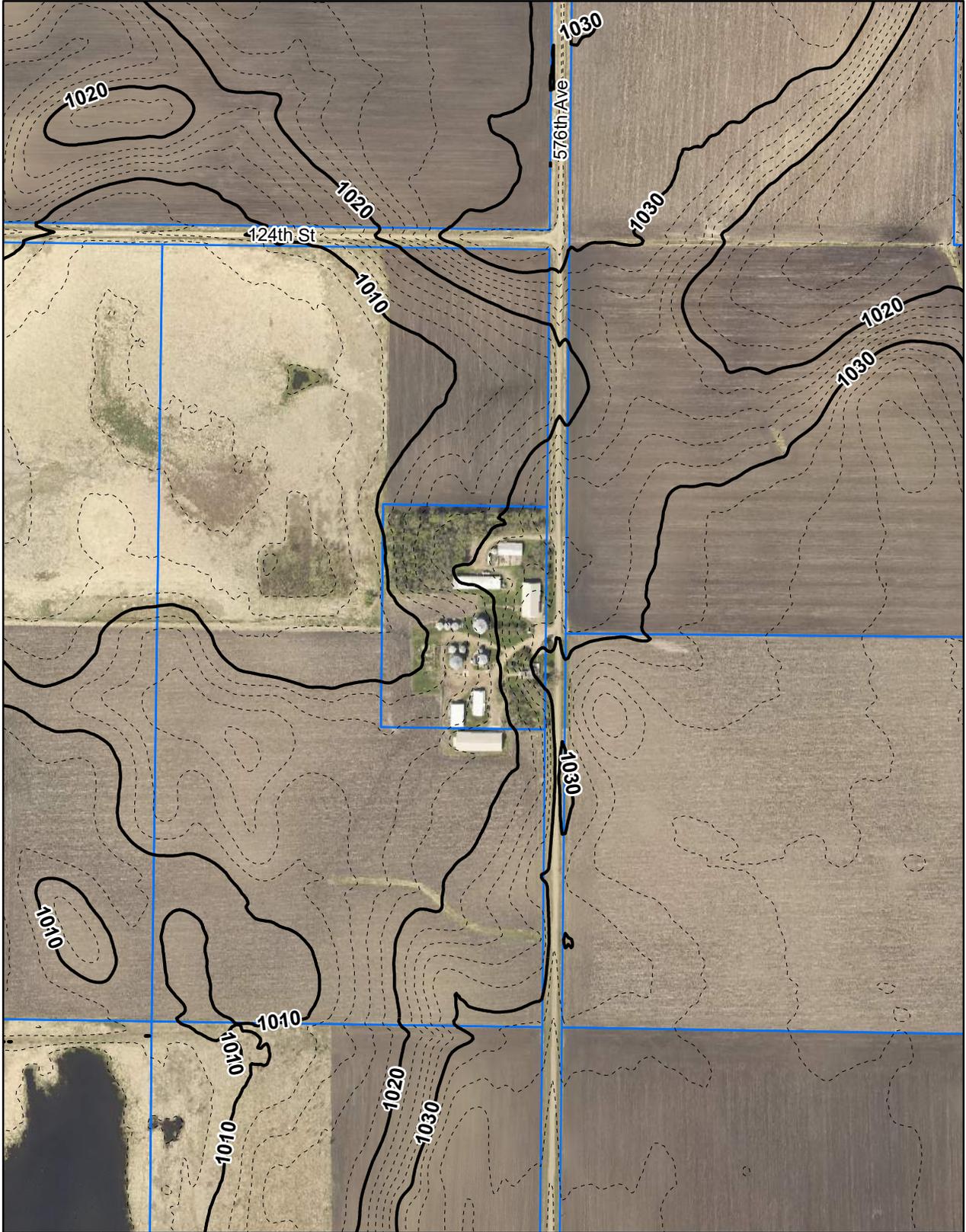
# Feedlot to Dwelling Setback Map Attachment A-4



	1,500 ft Setback
	1,000 ft Setback
	Proposed Swine Barn



# Topography Map Attachment A-5



### Elevation Contour

~ Index (10 Ft)

- - - Intermediate (2 Ft)

0 425 850 1,700 Feet



Source: Contours - MN LiDAR 2012

## Blue Earth County - Property & Environmental Resources

P.O. Box 3566, Mankato, Minnesota 56002-3566

Phone: (507) 304-4381

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### Environmental Health Section - Planning Application Reviews

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**Date Printed:** August 29, 2019      **Permit Number:** PL2019086  
**Property Owner:** JAEGER MICHAEL & SUSAN J      **Applicant:** JAEGER ERIC M  
**Parcel Number:** R44.24.08.300.006      **File ID:** PC 22-19

**Application Description:** 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.

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#### Septic Review

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**Status:** Complete - Comments Received

**Comments:** The septic system serving the existing house is compliant and it appears the parcel has adequate space for a secondary drainfield location when needed. The proposed conditional use permit does not seem to negatively effect the current or future septic system. No additional requirements at this time. Anderson Jesse 08/13/2019 8:42 AM

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#### Well Review

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**Status:** Complete - Comments Received

**Comments:** The enclosed site plan for this proposed variance indicates one in-use well. A review of the records indicates that the in-use well, unique # 591710, was drilled by St. Peter Well Drilling in 1997. This review also identified one well, unique # H34967, sealed by Denn Well Service in 1993; one well, unique # H47319, also sealed by Denn Well Service; & one well, unique # H106982, also properly sealed by Denn Well Service in 1997. The proposed conditional use permit does not appear to negatively impact the known well situation on this property. grant 08/13/2019 8:43 AM

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#### Wetland Review

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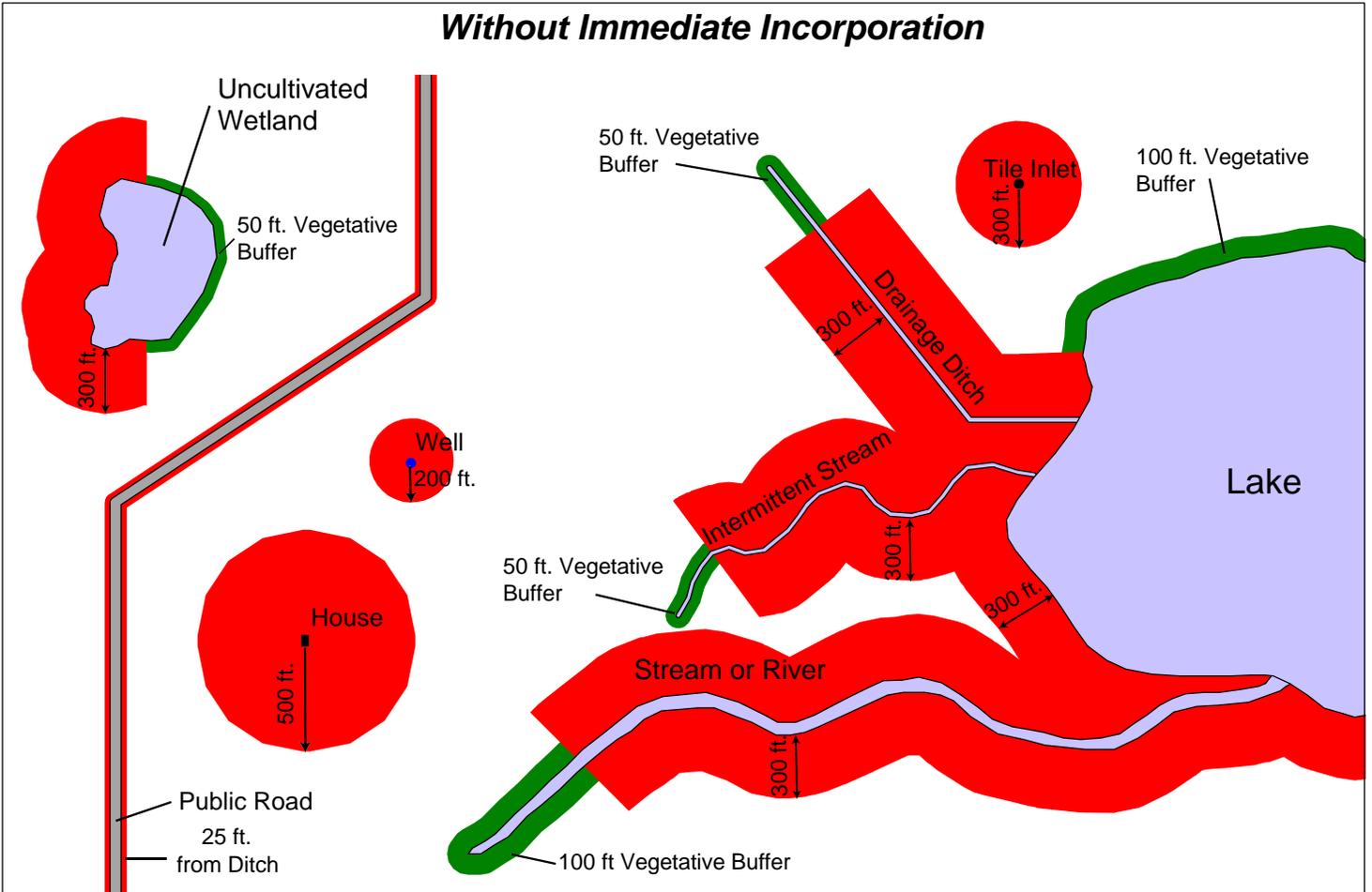
**Status:** Complete - Comments Received

**Comments:** There is an NWI identified wetland approximately 130 ft west of the proposed building site. The soils where the building is proposed to be located are classified as moderately well drained with a hydric rating of 5 percent. Soils south of the proposed building site are classified as poorly drained and very poorly drained. Based on an aerial photo review, the topography does not suggest the presence of wetlands where the building is proposed to be constructed. However, the construction of this building could impact the NWI wetland down slope. The applicant will be advised to use proper erosion and sediment controls to prevent impacts to the wetland from construction activities. This CUP to expand an existing feedlot by constructing and operating one new total confinement swine finishing barn capable of housing 2,400 finishing pigs should not negatively impact any wetlands that may exist on or near the property. Altrichter Kristine 08/13/2019 8:32 AM

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# Blue Earth County Manure Application Setbacks

## Without Immediate Incorporation



## When Incorporated Within 24-Hours

