

Planning Commission MINUTES September 24th, 2020

PRESENT: Dan Gottwalt, Gerry Feld, Al Brenny, Art Buhs, Mary Jo Holewa, Scott Johnson, Jerry Lang, Warren Peschl

Staff: Roxanne Achman

1. Scott called the meeting to order followed by the Pledge of Allegiance.
2. Warren moved to approve the agenda. Jerry seconded and the motion carried.
3. File #20-508, Gary Scapanski and Tom Scapanski requesting a conditional use permit to construct a livestock waste storage facility in the Agricultural District. Pursuant to Sections 9.12.2(B) and 11.6. The affected property is described as follows: part of E1/2 NE1/4, Section 17, Gilmanton Township.

Roxanne stated that this is an existing feedlot. The request to install a new livestock waste storage facility. The existing earthen-lined facility is not meeting all requirements. The applicants will be installing a 252'x362'x12'deep HDPE lined manure storage facility, with a 60'x80' concrete stacking slab. The existing system will be abandoned. A variance was granted to have the waste storage facility within the required 660ft from a non-feedlot residence. She stated that all the specific information from the NRCS is included in the staff report.

Gary Scapanski, 3532 Little Rock Rd NE, stated that they are requesting a conditional use permit to put in a livestock waste facility.

Roxanne stated that there were no comments from the Township.

No one spoke in favor, opposition or with general comments. Jerry moved to close the public hearing. Warren seconded and the motion carried.

Gerry moved that the request meets Section 9.12 pages 29-31 and Section 11.6 pages 9-12. Mary Jo seconded and the motion carried.

In reviewing Section 11.6 the vote was as follows:

- 1) Warren stated that the new facility will better handle livestock waste. The vote was unanimous that the use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
- 2) Al stated that the property is currently operating as a feedlot. The expected outcome of this project is meant to allow better management of the animal waste. The vote was unanimous that the use is sufficiently compatible or separated by distance or screening from adjacent agricultural or residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.
- 3) Gerry stated that the property is currently a feedlot. The request is to remove an old pit and install a new better managed pit. The vote was unanimous that the structure and site will have an appearance that will not have an adverse effect upon adjacent properties.
- 4) Mary Jo stated that the site is being used as a feedlot and a livestock waste storage facility is allowed with a conditional use permit. The site is identified in the Comprehensive Plan as being agricultural and a livestock waste storage facility is an agricultural use. Agricultural activities are occurring around the property. The vote was unanimous that the use, in the opinion of the Planning Commission, is reasonably related to the existing land use.
- 5) Art stated that the Development Code allows for a livestock waste storage facility with a Conditional Use Permit. In accordance with Section 2.1.1 (A)(L). He moved to include the development conditions to File #20-508. Gerry seconded and the motion carried. The vote was unanimous that the use is consistent with the purposes of the Development Code and the purposes of the zoning district in which the applicant intends to locate the proposed use.
- 6) Jerry stated that the use is in accordance with the 2040 Comprehensive Plan the site is planned Agricultural. It is not in conflict with the Comp Plan. He cited Land Use Goal #2: Rural Land Use Policy #2 Agriculture, Policy #10 Confined Animal Feedlots and Policy #11 Right to Farm. Economic Development Goal #1 Resources. Policy #2 Business Retention. Environmental & Natural Resources Goal #1 Stewardship, Policy #2 Development Review. The vote was unanimous that the use is not in conflict with the Land Use Plan of the county.
- 7) Dan stated that the site already operates as a feedlot and with the proposal would continue to operate as a feedlot. There are no known or anticipated traffic hazards or congestion. The vote was unanimous that the use will not cause traffic hazards or congestion.
- 8) Warren stated that no wetland impacts are expected with this proposal. The feedlot setback is greater than 300ft from any water course. The vote was

unanimous that the use will not violate the wetland provisions of MN Statutes Chapter 103G.

Roxanne read the findings and conditions.

Findings

- (1) Will the use create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area?

The use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities. The feedlot and the livestock waste storage facility is meant to better handle the animal waste.

- (2) Is the use sufficiently compatible or separated by distance or screening from adjacent agricultural or residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land?

The property is currently operating as a feedlot. The expected outcome of this project is meant to allow better management of the animal waste.

- (3) Does the structure and site have an appearance that will not have an adverse effect upon adjacent properties?

This is an existing feedlot and will better manage the waste. There will be no effect.

- (4) Is the use, in the opinion of the Planning Commission, reasonably related to the existing land use?

The site is being used as a feedlot and a livestock waste storage facility is allowed with a conditional use permit. The site is identified in the Comprehensive Plan as being agricultural and a livestock waste storage facility is an agricultural use. Agricultural activities are occurring around the property.

- (5) Is the use consistent with the purposes of the Development Code and the purposes of the zoning district in which the applicant intends to locate the proposed use?

The Development Code allows for a livestock waste storage facility with a Conditional Use Permit.

In accordance with the following items in Section 2.1.1:

(A) To promote and protect the public health, safety, comfort, convenience, and general welfare of the people.

(L) To further the appropriate use of land, and conserve and protect the natural resources of the county for present and future generations.

The development conditions for File No. 20-508 are adopted.

(6) Is the use in conflict with the Land Use Plan of the county?

In accordance with the 2040 Comprehensive Plan the site is planned Agricultural. It is not in conflict with the Comp Plan.

Land Use

Goal #2: Rural Land Use

Policy #2 Agriculture: *Recognize and support the agricultural practices, character and lifestyle within the county allowing for the pursuit of agriculture as a career.*

Policy #10 Confined Animal Feedlots: *Continue to allow confined animal feedlots in the rural area by protecting them from new non-farm housing through County zoning. Require strict pollution controls consistent with State requirements.*

Policy #11 Right to Farm: *Support a farmer's right to farm when they are using generally accepted farming practices.*

Economic Development

Goal #1 Resources

Policy #2 Business Retention: *Continue to support efforts to retain and expand existing businesses.*

Environment & Natural Resources

Goal #1 Stewardship

Policy #2 Development Review: *Protect the integrity of major natural resources through development review and regulation.*

(7) Will the use cause traffic hazards or congestion?

The site already operates as a feedlot and with the proposal would continue to operate as a feedlot. There are no known or anticipated traffic hazards or congestion.

(8) Will the use violate the wetland provisions of Minnesota Statutes Chapter 103G?

There are no expected wetland impacts with this proposal. The feedlot boundary is greater than 300ft from any water course.

Conditions:

1. This Conditional Use Permit is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Conditional Use Permit is granted only for the purpose(s), structure(s) and/or use(s) indicated on the parcel approved with the application, as qualified by these development conditions. The applicant shall undertake the project according to the plans and specifications submitted to the County with the application.
3. Pursuant to Section 11.6.3(J) of the Development Code, this conditional use permit shall automatically expire, without notice, within one year after the date of approval unless the applicant has substantially proceeded on the work. To proceed substantially means to make visible improvements to the property and to have had applied to the property at least 40% of the man hours which it is reasonably estimated will be necessary for completion of the project. The Planning Commission may grant an extension of one year to complete the project if a written request for additional time is filed with the Planning Commission prior to the date of expiration of the conditional use permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.
4. The applicant shall permit reasonable access for the County to periodically inspect the site at reasonable times and in a reasonable manner to insure that the permit holder is in compliance with the conditions of approval and all other applicable statutes, rules and ordinances.
5. The applicant shall obtain appropriate permits as necessary to construct said facilities

Warren moved to accept the findings and conditions and grant File #20-508. Jerry seconded and the motion carried.

4. Roxanne handed out the October 8th agenda packet.
5. Jerry moved to adjourn. Dan seconded and the motion carried.

Respectfully submitted,

Karen E Loehrer
Administrative Secretary
(prepared from audio)