

Planning Commission September 22nd, 2022 MINUTES

PRESENT: Gerry Feld, Art Buhs, Mary Jo Holewa, Warren Peschl

Staff: Roxanne Achman

1. Gerry called the meeting to order followed by the Pledge of Allegiance.
2. Warren moved to approve the agenda. Mary Jo seconded and the motion carried.
3. Art moved to approve the minutes from the September 8th, 2022 meeting. Warren seconded and the motion carried.
4. Roxanne stated that as part of the MPCA's required feedlot expansion notice, the Montags have provided their notice to expand their feedlot.

Roxanne read the notice: Notice is hereby given per Minnesota Statutes, Chapter 116, that Brian John Montag, has made application to the Minnesota Pollution Control Agency or the County of Benton for a permit to construct or expand a feedlot with a capacity of 500 animal units or more. The EXISTING feedlot is located in Sect-32 Twp- 037 Range- 030 40AC NW 1/4 NE 1/4 in Mayhew Lake in Benton County. The EXISTING facility consists of {Dairy Cows, Holstein, Swiss and Jersey 169.5 Milking Parlor with two freestyle barns, dry cows facility, one heifer feedlot and calves in hutches. We also have a concrete manure pit. The proposed expansion consists of {Holstein heifers our projected animal unit will be 369.5. We want to add an additional feedlot 80x130 ft. It will get cleaned out with a manure spreader. The final capacity will be 369.5 animal units. This publication shall constitute as notice to each resident and each owner of real property within 5,000 feet of the perimeter of the proposed feedlot as required by Minnesota State Law.

5. File #22-293, Jeff and Maureen Proell requesting a conditional use permit to use fill as an alternative flood proofing method in the R-2, Residential District. Pursuant to Sections 5.2, 5.3 and 5.4 of the Flood Plain Management Ordinance and Section 11.6 of the Development

Code. The affected property is described as follows: Lot 7, Block 2, Rose Anna Beach 3rd Addition, Section 10, Watab Township.

Roxanne stated that the application is to construct on a lot in Watab Township. She showed an aerial photo of the site with the proposed location of the dwelling and fill. The fill needs to extend out 15ft beyond the building. The drainage needs to be controlled from these sites so that the drainage is directed away from the property line. She received no comments from the Township.

Maureen Proell stated that they would like to build a patio home on this lot.

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

Gerry moved that the request meets Section 11.6 pages 9-12, Sections 5.2, 5.3, 5.3 of the Floodplain Management Ordinance pages 10-12. Mary Jo seconded and the motion carried.

In reviewing Section 11.6 the vote was as follows:

- 1) Warren stated that the placement of structures on fill will not have an effect on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area. 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) Mary Jo stated that the use of the property will be for residential purposes. Flood proofing of structures within the flood plain is required and helps to prevent future damage to the area in the event of a flood. 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) Warren stated that the structure will improve the neighborhood. The vote was unanimous that the structure and site will have an appearance that will not have an adverse effect upon adjacent properties.
- 4) Gerry stated that the primary use of the site will be residential, and the surrounding area is residential. The vote was unanimous that the use, in the opinion of the Planning Commission, is reasonably related to the existing land use.
- 5) Art cited A and E under Section 2.1.1 and to include the development conditions to File #22-293. Warren moved to approve. Art seconded and 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) Warren stated that the use is in accordance with the 2040 Comprehensive Plan. He cited Environment & 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) Mary Jo stated that the use of the lot will not be changing and will have no effect on traffic hazards or congestion. The vote was unanimous that the use will not cause traffic hazards or congestion.
 - 8) Gerry stated that building a home in this area will not have an impact on wetlands. The vote was unanimous that the use will not violate the wetland provisions of Minnesota 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 placement of structures on fill will not have an effect on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.

- (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 use of the property will be for residential purposes. Flood proofing of structures within the flood plain is required and helps to prevent future damage to the area in the event of a flood.

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

The structure will improve the neighborhood.

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

The primary use of the site will remain as a residential lot. The area surrounding it is residential.

- (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?

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.

(E) To prohibit uses, buildings or structures which are incompatible with the character of development or the permitted uses within specified zoning districts.

The development conditions for file no. 22-293 are adopted.

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

In accordance with the 2040 Comprehensive Plan.

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 use of the lot will not be changing and will have no effect on traffic hazards or congestion.

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

Constructing this structure will not impact wetlands.

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. A Land Use Permit shall be obtained from the County and a Building Permit from Watab Township prior to any construction and shall be consistent with the plans and specifications submitted with the conditional use permit application.
4. **Upon completion of the structure**, pursuant to Flood Plain Ordinance No. 196, Section 10.2.6, the property owner shall be **required to submit certification** by a registered professional engineer, registered architect, or registered land surveyor that the **finished fill and building elevations were**

accomplished in compliance with the provisions of this ordinance to the Benton County Planning & Zoning Department. Flood-proofing measures shall be certified by a registered professional engineer or registered architect.

5. 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 as defined in Section 11.6 of the Development Code. 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.
6. The applicant shall permit reasonable access for the County to periodically inspect the site at reasonable times and in a reasonable manner to ensure that the permit holder is in compliance with the conditions of approval and all other applicable statutes, rules and ordinances.
7. Within one month of completion an as-built condition shall be submitted to the County and Certified by a registered professional engineer or architect as being in compliance with the general design standards of the Corps of Engineers Flood-Proofing Regulations and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities are at or above the Regulatory Flood Protection Elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.
8. Applicant utilizes appropriate erosion control devices to minimize risks of erosion entering the waterways or leaving the site.

Art moved to accept the findings and conditions and approve File #22-293. Mary Jo seconded, and the motion carried. The applicant was given a copy of the findings, conditions and decision.

6. Art stated that he went to the MCIT workshop, Navigating Key Land Issues. He said that density of solar farms was discussed. He asked about rentals. Roxanne stated that the County doesn't have a rental ordinance.
7. Warren moved to adjourn 7:23 p.m. Art seconded and the motion carried.

Respectfully submitted,

Karen E Loehrer
Administrative Assistant
(Prepared from audio)