Planning Advisory Commission
November 20, 2025
CUP-25-015

POPECOUNTY MINNESOTA

S:\3. BOA-PAC\2025\11. 20 November 2025\6. PAC - 3 Items\2.NB. 17-0107-000 Evenson-Lee - Non-Farm CUP-25-015\3. Staff Report\PAC.V.B.1. Evenson-Lee CUP-25-015 Staff Report.docx

STAFF REPORT

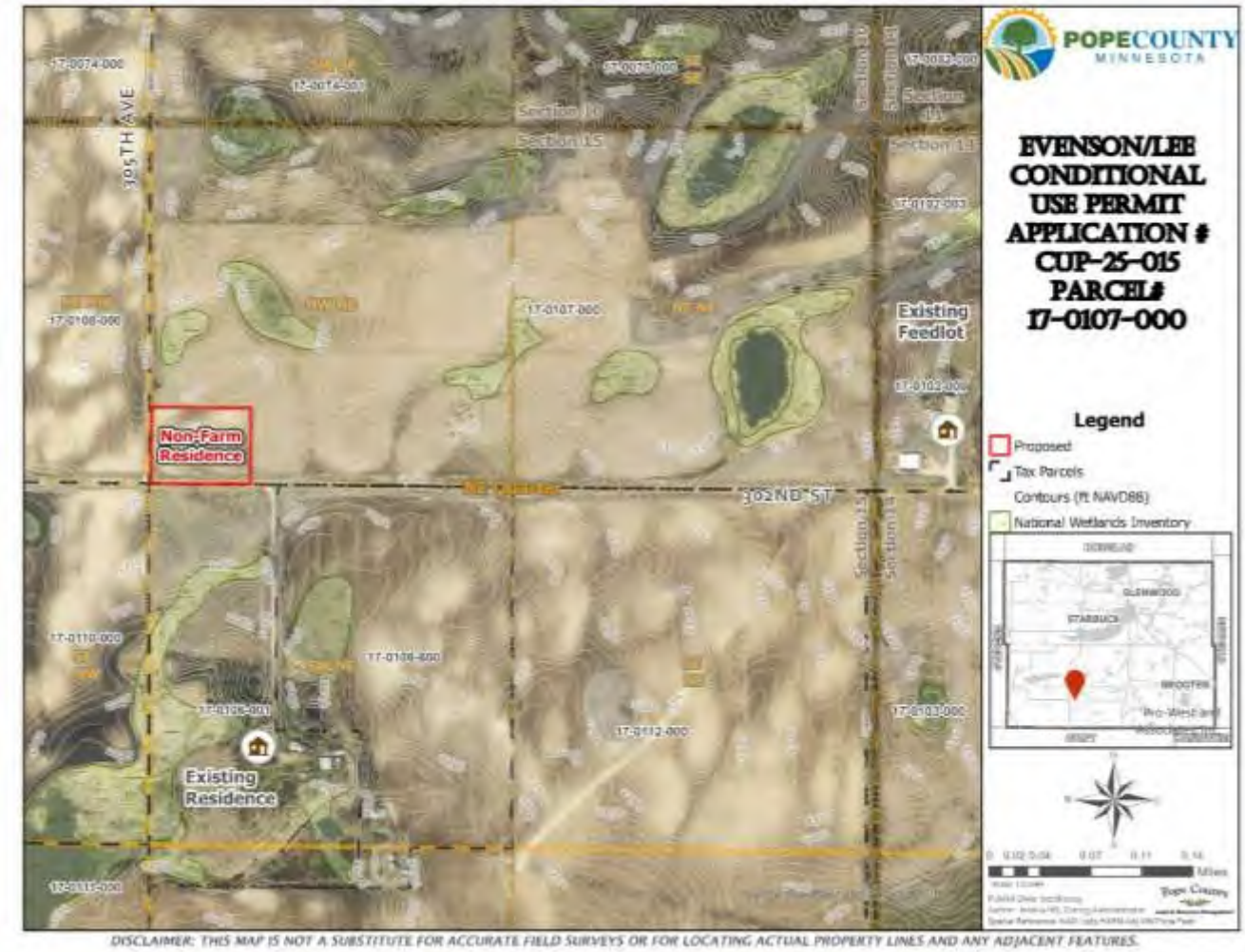
Applicant Information

Applicant: Alyssa Evenson & Brady Lee

Application: Conditional Use Permit (CUP-25-015)

Zoning: Agriculture Protection (A-2)

Location: Part of the Northwest Quarter (NW¼) of the Northeast Quarter (NE¼), Section 15, Township 123 (Langhei), Range 39, Pope County, Minnesota



Background

The applicant is requesting consideration to construct/locate a non-farm residential structure in an Agriculture Protection (A-2) zoning district. The Pope County Land Use Controls Ordinance section 7.3.K. requires a Conditional Use Permit to locate a non-farm residence in the A-2 zoning district.

The proposed home location is described as being on the north side of 302nd St and in the Southwest quarter of the Northwest quarter of the Northeast quarter of Section 15 in Langhei Township. This proposal would be considered the second non-farm residence to be located in the Northeast Quarter in Section 15; hence, the applicant was required to seek a variance as well as a Conditional Use Permit to be in compliance with section 7.3.K. of the Pope County Land Use Controls Ordinance.

Applicable Statutes

Local Ordinance

- Pope County Land Use Controls Ordinance
  - Section 7.3 Agriculture Protection (A-2) Zoning District *(conditional uses)*

    K. Non-farm single family residential dwelling units to be placed or constructed on land which is woodland, is fallow, or is otherwise untilled or unsuitable for raising crops and which is located as near as practical to existing non-farm residential development, provided, however, that the construction of non-farm single family residential structures is prohibited if the proposed structure will result in more than one non-farm residential structure being located within any quarter section (160 acres plus or minus fractional amounts to account for survey anomalies, loss to public roadway use, etc.) Prior to the issuance of a conditional use permit for a non-farm dwelling, the owner of the property shall be required to sign a statement of acknowledgement containing an "Acknowledgement of Agriculture Protection Zone Designation" disclosure. The acknowledgement shall be on a form provided by the Zoning Administrator and made available to the public. The disclosure forms shall be on file in the office of the Pope County Zoning Administrator.

  - Section 11.5 Conditional & Interim Use Permits *(criteria and procedures)*

State Statute/Rule

- Minnesota Statute Chapter 394 Planning, Development, Zoning *(enabling legislation)*

Staff Comments

Based on the review of the application, Staff offers the following comments relating to the proposed land use on this quarter section (160 acres) of land located in the Northeast Quarter of Section 15 in Langhei Township. This parcel of land is located in an A-2 zoning district where nonfarm homesteads are limited in each quarter section. All applications for non-farm residential housing are required to secure a Conditional Use Permit (CUP) as approved by the Board of County Commissioners. Specific to this quarter section (NE), there is one other non-farm already in existence. The land use on this parcel is open space, agricultural or recreational in nature with most of the parcel's acreage in preservation/conservation easements. The lands adjacent and nearby include, recreational, agricultural uses and open space. There are wetland features on this parcel as well as on adjacent parcels.

According to the Natural Resources Conservation Service (NRCS) Web Soil Survey, the 2 acre building site is covered by a single soil type, Langhei-Barnes (LnD2), moderately eroded complex, 12 to 20 percent slopes. The soils classification on this parcel is described as "not prime farmland".

As noted by the Pope County Feedlot Officer, *The closest animal agriculture activity to the proposal is roughly 2,500 feet east and appears to be pasturing horses with some feedlot confinement. The proposal (property seller) and the feedlot are owned by the same individual. The residence directly south of the proposal appears to have buildings designed for animal confinement. However, there is no history of a feedlot registration and looking at aerial photography, there are no signs of denuded vegetation, hinting at feedlot conditions. There is a feedlot further south that has expansion limitation not related to the proposal*.

Staff Recommendation

Approve with Conditions

Based on the findings of fact presented in this report, staff does not object to a recommendation of approval of the application to the County Board conditioned upon:

1. That the Agriculture Zone (Right-to-Farm) Acknowledgement form be signed and returned to the Land & Resource Management office prior to the issuance of a Land Use permit for the construction of the non-farm residence.
2. That the property owner is responsible for reaching out to the Township to assure compliance with any Township standards.
3. That prior to any construction activities, all necessary permits are secured from County and State agencies.

Staff Findings

The Staff offers the following findings:

1. **The project is in compliance with the setback and other provisions of this ordinance unless a variance has been granted:**

   Finding: Any proposed structure and/or use will necessarily be in compliance with the provisions of the Pope County Land Use Controls Ordinance as a condition of the permitting unless a variance has been granted.

2. **The use is not in conflict with the County Comprehensive Land Use Plan:**

   Finding: The current Comprehensive Plan includes goals that state a recognition of diverse and existing land uses throughout the county. It is noted that not all uses are compatible and that there should be consideration as to separation, siting, development requirements and operating standards. Based on the proposed land use including distance from sensitive environmental features, roadway and neighboring properties, the proposed use is not in conflict with the County Comprehensive Plan.

3. **That the use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish or impair neighborhood property values in the area and will not interfere with the best interest of the surrounding area or the community as a whole:**

   Finding: The proposed land use is located in a sparsely populated rural setting in Langhei Township. The dominant land uses in this area are open space, recreational and agricultural. This non-farm residential use should not create interference with future development on adjacent properties, nor is it expected to diminish or impair neighboring property values.

4. **The use will not create an excessive burden on parks, schools, streets, water supply, public drainage systems and other public facilities and utilities which serve or are proposed to serve in the area:**

   Finding: This land use is not expected to have a significant negative impact on public infrastructure.

5. **The structure and sites shall have an appearance that will not have an adverse effect on adjacent properties:**

   Finding: The site is expected to remain neat and orderly in appearance.

6. **The road on which the project is proposed is adequate to handle increased traffic during operation, and that the use will not cause traffic hazards or congestion:**

   Finding: 302nd Street is adequate to handle traffic associated with a non-farm residence.

7. **Existing businesses nearby will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare, odor, or general unsightliness:**

   Finding: There should not be any negative impacts related to the intrusion of noise, glare, odor or general unsightliness upon nearby existing businesses.

8. **That the establishment of the use will not impede the normal and orderly development and improvement of surrounding vacant property uses predominant to the area:**

   Finding: The predominant neighboring land use is agricultural and natural open space. The residential use will not conflict with existing uses.

9. **That adequate utilities, drainage and other necessary facilities have been or are being provided:**

   Finding: Any necessary utilities, drainage, septic systems or other facilities will be addressed prior to and as a condition of issuance of any land use permit.

10. **That adequate measures have been or will be taken to prevent or control rodents, insects, offensive odors, fumes, dust, noise, and vibration in order that none of these will constitute a nuisance, and that adequate measures have been or will be taken to prevent negative impacts on surface water, groundwater, and air quality, and that measures have been taken to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result:**

    Finding: The site is expected to remain neat and orderly in appearance. As such, the site should not have a negative impact on neighboring properties with noise, dust, appearance, and other nuisances or impacts.

REPORT APPENDIX

- **Routing Sheet** *(Comments, concerns and conditions)*
- **Public Notice**
- **Supplemental Information**
  - **Attachment 1:** *Conditional Use Permit Application (Alyssa Evenson & Brady Lee, 25 October 2025)*
  - **Attachment 2:** *Submitted Site Plan (Alyssa Evenson & Brady Lee, 25 October 2025)*
  - **Attachment 3:** *Land in WRP Easement (USDA, 11 May 2004)*
  - **Attachment 4:** *Land in RIM Easement (SWCD-Pope, 26 June 2019)*
  - **Attachment 5:** *Evenson/Lee VAR-25-020 & CUP-25-015, Parcel#17-0107-000, Farmland Classification (J.Hill (Zoning Administrator), 6 November 2025)*
  - **Attachment 6:** *Proposed Non-Farm Resident, Feedlot Analysis (A.Hughes (Feedlot Officer, Land Use Specialist), 4 November 2025)*
  - **Attachment 7:** *Site Visit Photos (L&RM Staff, 10 November 2025)*

Routing Sheet

Comments, Concerns and Conditions

Agency

NRCS	No comment received.
SWCD-Pope	*COMMENTS: If you know there is RIM or WRP on the parcel please make sure you visit with our office Pope SWCD or NRCS. Those easements do have restrictions what you can do. You would not be able to build on anything enrolled into an easement as one example. If some of the land you purchase has the easement on it you will need to update our records once you obtain a new recorded deed on the property and then we can make changes in our system.* *PROPOSED CONDITIONS: We are encouraging communication with agencies that may have easements on these parcels and want the landowner to know that if they do exist on the parcel there are limitations. We will not be able to share a lot about those easements but you should be able to get that information directly from the landowner or you could have the current landowner call our office to provide approval that we can share those details by signing a privacy release.*

County Department

Assessor	No comment received.
Attorney	No comment received.
Auditor	*COMMENTS: No comments or concerns.*
E911 Addressing	*COMMENTS: The Pope County E911 Rural Addressing Ordinance, Section 2.2.B. states, "Notice of New Construction. Every owner of real property in Pope County on which a structure is erected or placed after the effective date of this Ordinance shall notify the PCRA of the structure and obtain an E-911 address to be displayed as required per this ordinance."* *PROPOSED CONDITIONS: Applicant must apply for an E911 address in accordance with the Pope County E911 Rural Addressing Ordinance, Section 2.2.B.*
Feedlot Officer	*COMMENTS: The closest animal agriculture activity to the proposal is roughly 2,500 feet east and appears to be pasturing horses with some feedlot confinement. The proposal and the feedlot are owned by the same individual. The residence directly south of the proposal appears to have buildings designed for animal confinement. However, there is no history of a feedlot registration and looking at aerial photography, there are no signs of denuded vegetation, hinting at feedlot conditions. There is a feedlot further south that has expansion limitation not related to the proposal. Please see my attached maps for a visual interpretation.*

WCA Officer	*COMMENTS: Whatever parcel boundaries the applicants end up with, there will most likely be wetlands on the property. However, there are no wetlands on the proposed building site, so I have no concerns from a WCA standpoint. As Ag Inspector, I would only say that normal precautions should be taken during development activities to prevent the establishment and/or spread of noxious weeds.*

Township

Langhei	No comment received.

Other Comments Received

No comment received.

Public Notice

POPE COUNTY LAND & RESOURCE MANAGEMENT
POPE COUNTY COURTHOUSE
130 E. MINNESOTA AVENUE, SUITE 113
GLENWOOD, MINNESOTA 56334
(320) 634-7791

POPE COUNTY PLANNING ADVISORY COMMISSION
NOTICE OF PUBLIC HEARING FOR
CONDITIONAL USE REQUEST

Notice is hereby given that a Public Hearing will take place in conjunction with the Planning Advisory Commission meeting to be held at 6:00 pm or shortly thereafter on Thursday, November 20th, 2025 in the Pope County Courthouse to consider the following conditional use request.

Description of Request: Conditional Use hearing for an application by Alyssa Evenson and Brady Lee (CUP-25-015, Parcel#17-0107-000), if granted would allow applicant to locate a non-farm residence in an Agriculture Protection (A-2) zoning district per section 7.3.K. of the Pope County Land Use Controls Ordinance.

Legal Description/Site Location: Part of the Northwest Quarter (NW¼) of the Northeast Quarter (NE¼), Section 15, Township 123 (Langhei), Range 39, Pope County, Minnesota.

Public participation will include an opportunity to:

1) submit written concerns and comment prior to the scheduled meeting. All such communications will be shared with the Planning Advisory Commission prior to or during the meeting;
2) submit concerns and comments via Pope County's Public Comment web map (https://popecounty.maps.arcgis.com/apps/webappviewer/index.html?id=22a203912a864a77b4cdabe672e35e3f)
3) review the staff prepared report via Pope County website;
4) observe and/or participate in the proceedings of the Planning Advisory Commission meeting.

Interested parties and citizens may contact the Land and Resource Management office for further information as to how to participate in the meeting. ***Notices of Decision*** *will be posted* ***online*** *shortly after decision making at the following Pope County webpage:*

- *https://www.popecountymn.gov/land-resource-management/boa-pac-notices-of-decision/*

Thank you for your patience and consideration in this matter.

Dated: November 7, 2025
By: Jessica Hill
Zoning Administrator, Land & Resource Management

Supplemental Information

Supplemental Information Attachment 1:

Conditional Use Permit Application
(Alyssa Evenson & Brady Lee, 25 October 2025)

CONDITIONAL /INTERIM USE PERMIT APPLICATION

CUP-25-015

A conditional or interim use is permitted within a zoning district only when allowed by the County Board of Commissioners or their legally designated agent after public hearing provided certain conditions are met which eliminate or minimize the incompatibility with other permitted uses of the district. A Conditional Use or Interim Use permit may be denied if the use is deemed incompatible with other permitted uses of the district.

Prior to submission of this application, please discuss your request with the Land and Resource Management department.

RECEIVED
OCT 27 2025
BY:

Applicant Information

Applicant Names	Alyssa Evenson and Brady Lee
[redacted]	

Property Description

Property Address	302nd Street		City	Starbuck	State	MN	Zip 56381
Township Name	Langhei		Section		Twp		Range
Parcel No.	17 - 0107 - 000		Associated Parcel No.		-		-

Project Narrative

What is the conditional / interim use permit application for?	Land survey, soil boring, and future home build

Provide written justification for request including discussion of how any potential conflicts with existing nearby land uses will be minimized:

We are hoping to purchase land (20 acres) for a future home build. To our knowledge there would not be any potential conflicts with existing nearby land uses. We are open and support any and all businesses in the area.

We are fine with and support all agricultural uses.

We recognize that most of the 20 acres is protected with WRP and RIM. There is a smaller section that we would be asking to build on (left corner of image below).

We would not be taking any agriculture production land out of production.

Pope County Land & Resource Management
130 East Minnesota Ave. | Glenwood, Minnesota 56334 |
Phone (320) 634-7791 | Email pub.lrm@popecountymn.gov
Website: https://www.popecountymn.gov/land-resource-management/

APPLICATION REQUIREMENTS

The following application requirements must be provided:	Description
1. The applicant for a Conditional or Interim Use Permit shall file an application in the office of the Administrator and pay a fee according to the fee schedule resolution of County Board of Commissioners.	***Two separate checks (made out to Pope County) must be provided:*** 1. ***Application Fee = $500*** 2. ***Recording Fee = $46***
2. Written description of the proposed activities, including:	Survey, Soil Boring, Future home build
a. Type of business or activity (including scope of operations);	NA
b. Proposed number of employees;	NA
c. Days and hours of operation;	NA
d. Equipment and vehicles to be used for the activity;	None
e. Proposed floor plan of any structure or use indicated;	Shouse
f. Sanitary sewer and water plan with estimated use per day;	Average family home use
g. Any maintenance to take place on-site, including how hazardous materials and solid waste will be stored and disposed of; and	Septic system will be utilized along with garbage and recycling
h. Proposed exterior lighting, signage and storage.	Yard lights
3. Site plan (completed by a licensed land surveyor if applicable*) including, but not limited to: a. Property lines; b. Existing topography; c. Existing and proposed development (including roads, driveways, structures, septic components, wells, etc.); d. Distance from water body, road, property lines, septic components (tank and drainfield), well, neighboring feedlots, etc.; e. Finished grading and drainage plan; f. Existing and proposed screening; and g. Other requirements as deemed appropriate by the Administrator.	***Please <u>provide</u> on the <u>Site Plan page of this application</u> or <u>attach</u> to this application upon submittal.*** ****Please Note:*** *Applicants for Conditional Use Permit and Variance shall be required to submit a land surveyor's plot plan showing exact lot boundary and location of existing and proposed development as a part of application. Surveyor stakes shall be in place for site inspection of lot boundary and proposed development. Above policy shall be applicable for development on all lots of one acre or smaller. (ADOPTED 4 September 1985) (Land Use Controls Ordinance Section 11.6.2.H)*
4. Any additional information required by the Administrator.	https://www.themlsonline.com/minnesota-real-estate/6720615

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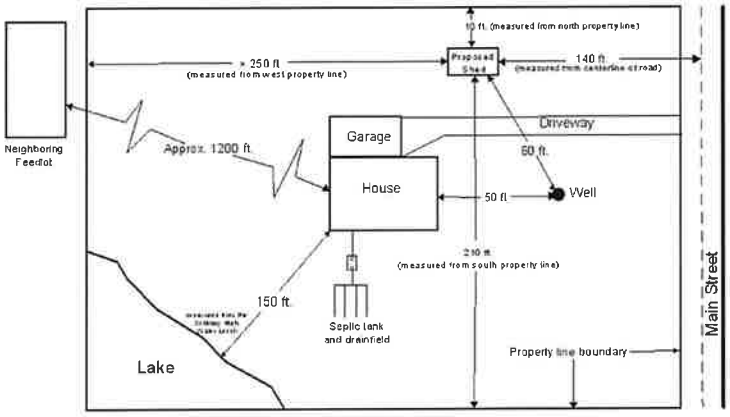
130 East Minnesota Ave. | Glenwood, Minnesota 56334 |
Phone: (320) 634-7791 | Email: pub.lrm@popecountymn.gov
Website: https://www.popecountymn.gov/land-resource-management/

SITE PLAN

Provide the following information on a project site plan (to be completed by a licensed land surveyor if applicable):

1. *Property Lines;*
2. *Existing topography;*
3. *Existing and proposed development (including roads, driveways, structures, septic components, wells, etc.);*
4. *Distance from water body, road, property lines, septic components (tank and drainfield), well, neighboring feedlots, etc.;*
5. *Finished grading and drainage plan;*
6. *Existing and proposed screening; and*
7. *Other requirements as deemed appropriate by the Administrator.*

SITE DRAWING EXAMPLE - New Construction: Shed



Applicant Site Plan

(please sign and date)

Aerial Map

Pope County Land & Resource Management
130 East Minnesota Ave. | Glenwood, Minnesota 56334 |
Phone: (320) 634-7791 | Email: pub.lrm@popecountymn.gov
Website: https://www.popecountymn.gov/land-resource-management/

Supplemental Information Attachment 2:

Submitted Site Plan
(Alyssa Evenson & Brady Lee, 25 October 2025)

Aerial Map

Boundary Center: 45° 28' 5.67, -95° 33' 1.01

0ft 483ft 966ft

N W E S

15-123N-39W
Pope County
Minnesota

5/7/2025

Maps Provided By surety CUSTOMIZED ONLINE MAPPING
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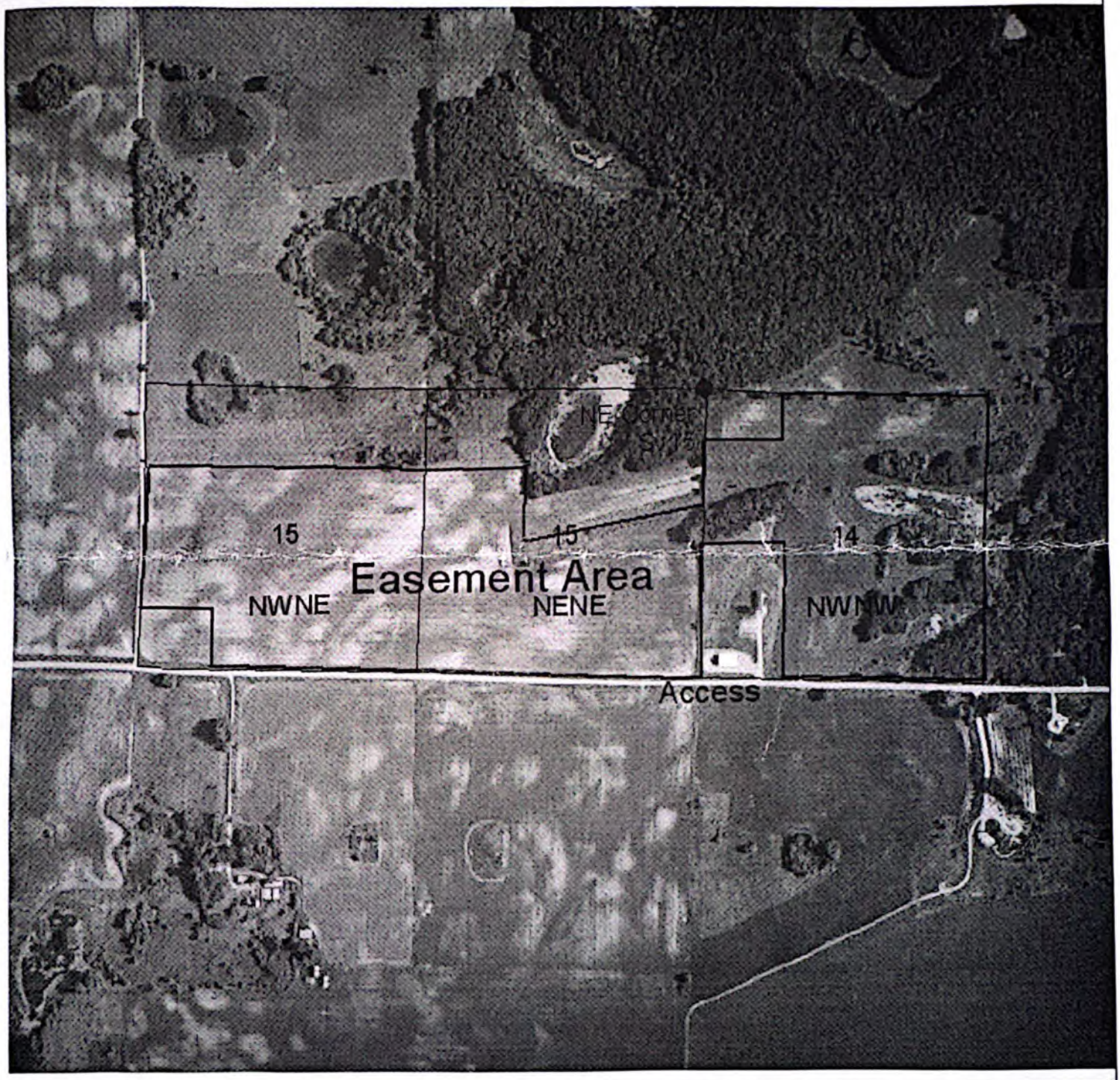
Supplemental Information Attachment 3:

Land in WRP Easement
(USDA, 11 May 2004)

Brian J. Banister and Robin R. Banister WRP Easement
(66-6322-4-0011) Pope County, Minnesota
Part of the N1/2 of the NE1/4 of Section 15 and part of the NW1/4 of the NW1/4 of Section 14
all in T.123N, R.39W.
Administered by the USDA Natural Resources Conservation Service (NRCS)
Approximately 84 acres



N

660 0 660 1320 Feet

Exhibit A-1
5-11-04

USDA

This drawing was prepared by the USDA-NRCS,
an agency of the US Government, for administering the WRP.
THIS IS NOT A SURVEY PLAT AND IS NOT INTENDED FOR USE AS A SURVEY PLAT.

Scanned with CamScanner

Supplemental Information Attachment 4:

Land in RIM Easement
(SWCD-Pope, 26 June 2019)

Brian Banister

RIM Easement 61-10-99-01

6/26/2019

by: Jessica.Hoheisel

NAIP 2017

Legend

- Food Plot
- Native Grass w/Forbs
- Townships
- Sections

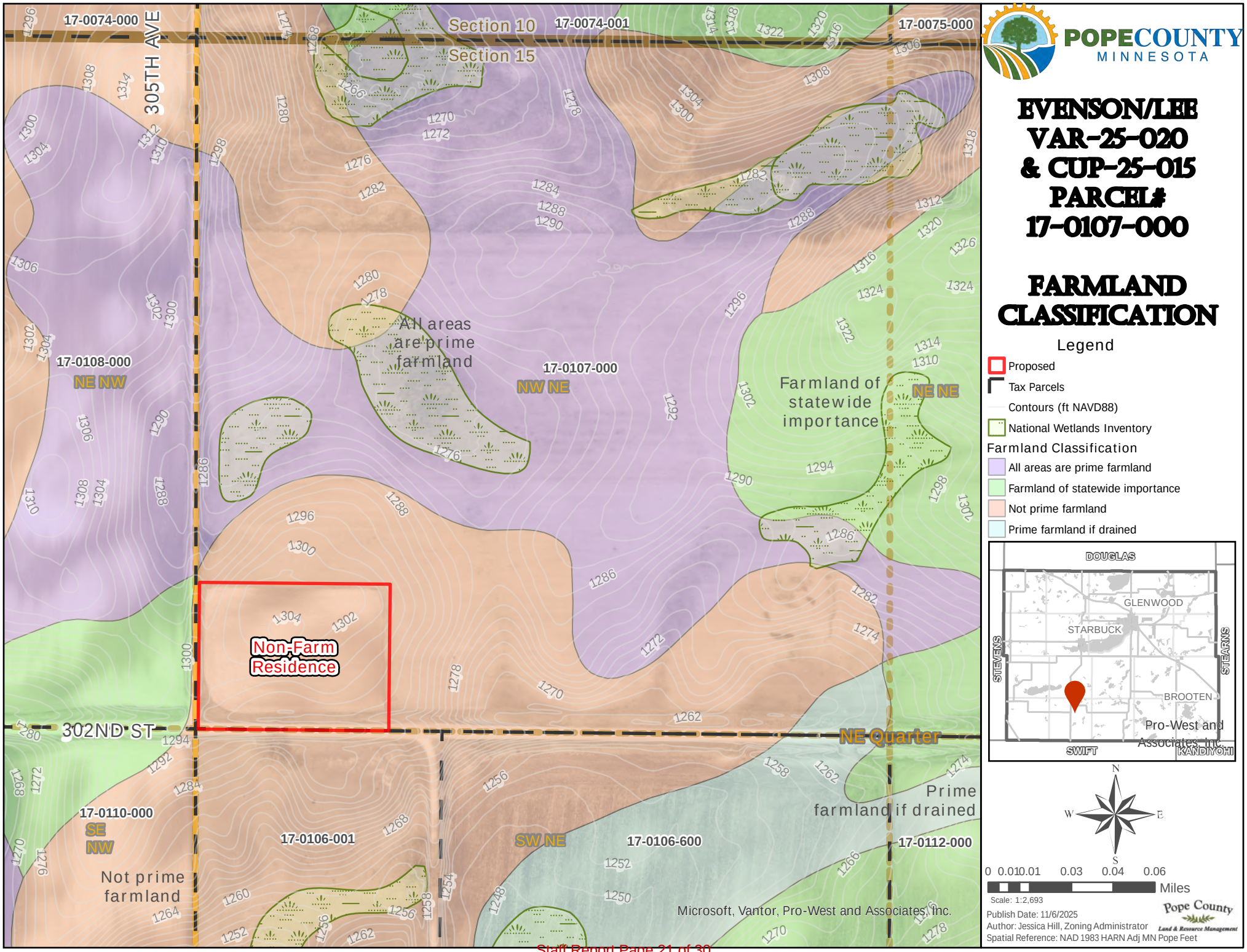
1 inch = 388 feet 1:4,655

0 330 660 1,320 Feet

Scanned with CamScanner

Supplemental Information Attachment 5:

Evenson/Lee VAR-25-020 & CUP-25-015, Parcel#17-0107-000, Farmland Classification (J.Hill (Zoning Administrator), 6 November 2025)



POPE COUNTY
MINNESOTA

EVENSON/LEE VAR-25-020 & CUP-25-015 PARCEL# 17-0107-000

FARMLAND CLASSIFICATION

Legend

- Proposed
- Tax Parcels
- Contours (ft NAVD88)
- National Wetlands Inventory

Farmland Classification

- All areas are prime farmland
- Farmland of statewide importance
- Not prime farmland
- Prime farmland if drained

N
W
E
S

0 0.01 0.01 0.03 0.04 0.06
Miles

Scale: 1:2,693

Publish Date: 11/6/2025
Author: Jessica Hill, Zoning Administrator
Spatial Reference: NAD 1983 HARN Adj MN Pope Feet

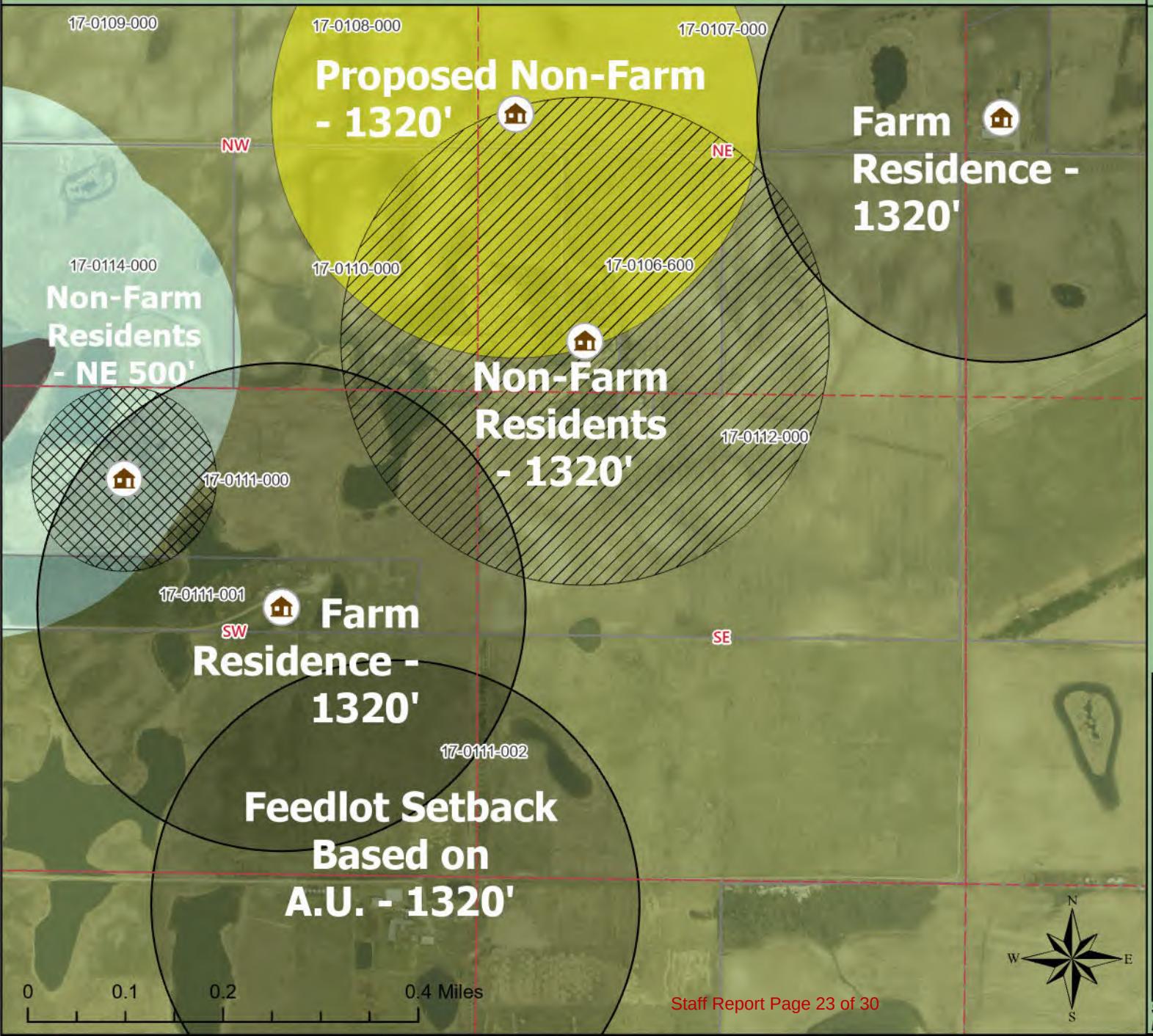
Pope County Land & Resource Management

DISCLAIMER: THIS MAP IS NOT A SUBSTITUTE FOR ACCURATE FIELD SURVEYS OR FOR LOCATING ACTUAL PROPERTY LINES AND ANY ADJACENT FEATURES.

Supplemental Information Attachment 6:

Proposed Non-Farm Resident, Feedlot Analysis
(A.Hughes (Feedlot Officer, Land Use Specialist), 4 November 2025)

PROPOSED NON-FARM RESIDENT FEEDLOT ANALYSIS



POPECOUNTY MINNESOTA

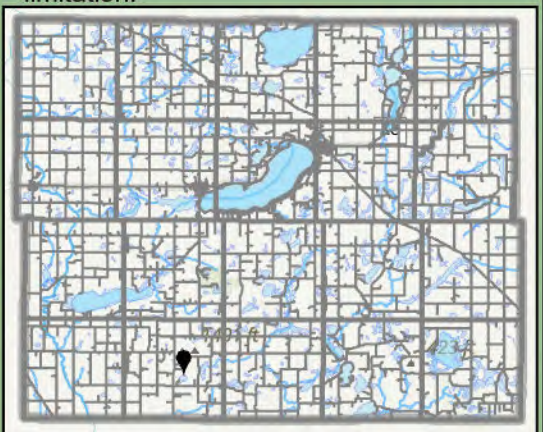
CUP-25-015 & VAR-25-020

PID#17-0107-000
Township: Langhei
Range: 39
Section: 15

Legend

- Shoreland-Natural Environment (S-NE)
- Agricultural Protection (A-2)
- Tax Parcel
- PLSS Quarter Section
- Residents
- Proposed Non-Farm
- Farm/Feedlot Setback
- 1320 Ft Non Farm Setback
- 500 Ft Natural Environment (NE) Setback

Notes: The closest farm/feedlot residence (east) mainly pastures horses and owns the proposed lot in question. The feedlot to the south has other limitation.



Spatial Reference
Name: NAD 1983 HARN Adj MN Pope Feet

Date Exported: November 04, 2025
Author: Ariel Hughes

Supplemental Information Attachment 7:

Site Visit Photos
(L&RM Staff, 10 November 2025)