Planning Advisory Commission
October 23, 2025
CUP-25-010

POPECOUNTY MINNESOTA

S:\3. BOA-PAC\2025\10. 23 October 2025\6. PAC - 5 Items\5.NB.3 20-0194-000 Marquardt CUP-25-010\3. Staff Report\PAC.V.B.3. Marquardt CUP-25-010 Staff Report.docx

STAFF REPORT

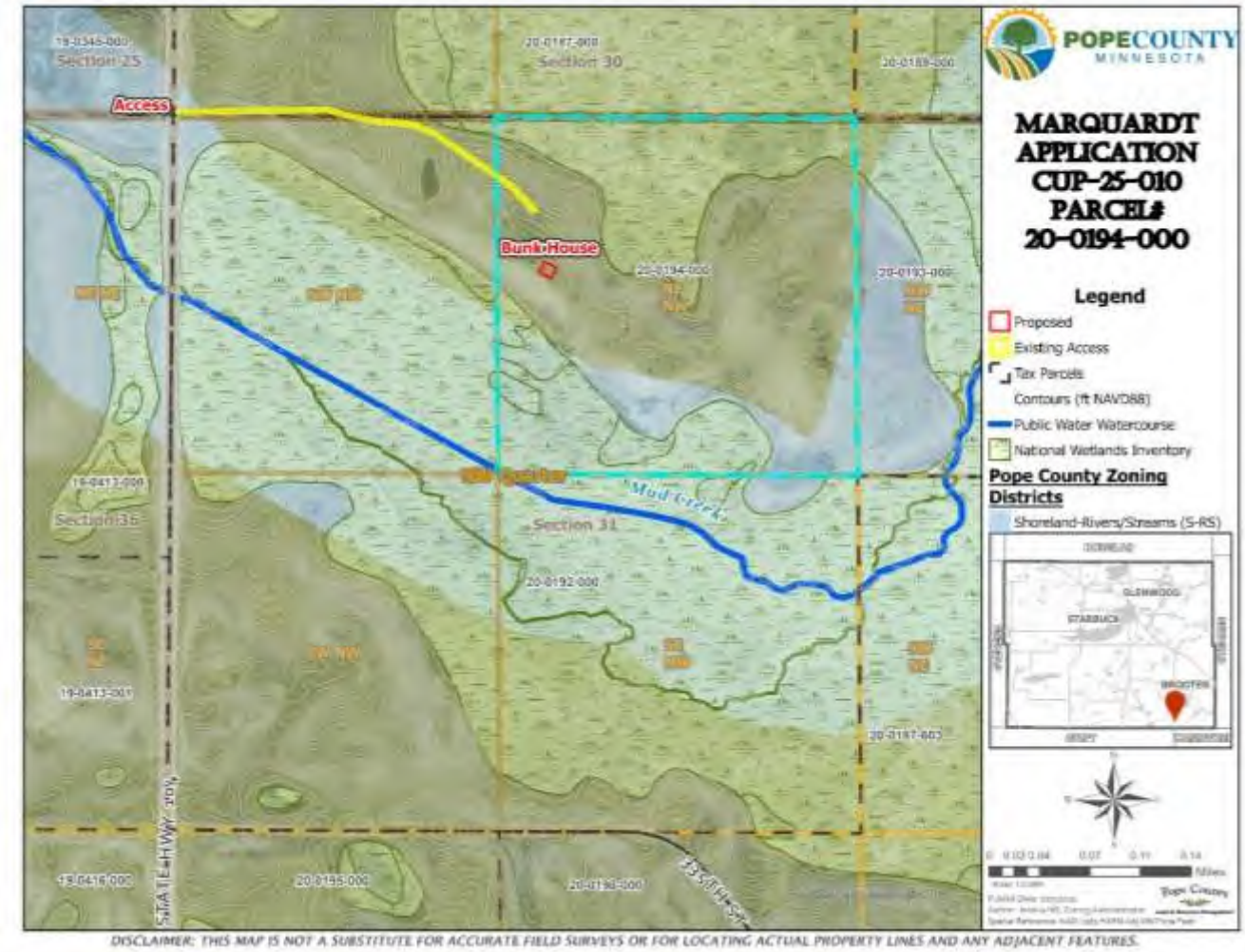
Applicant Information

Applicant: Steven Marquardt

Application: Conditional Use Permit (CUP-25-010)

Zoning: Agriculture Protection (A-2)

Location: The Northeast Quarter (NE¼) of the Northwest Quarter (NW¼), Section 31, Township 123 (Lake Johanna), Range 36, 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.

This parcel is located on the east side of State Highway 104, in the Northeast Quarter of the Northwest Quarter of Section 31 in Lake Johanna Township. This proposal would be the first non-farm residence to be located in the Northwest Quarter in Section 31; hence, the applicant was required to seek 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 Northwest Quarter of Section 31 in Lake Johanna Township. This parcel of land is located in an A-2 zoning district where there is a limit of one non-farm residence allowable 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 (NW), there are no other residences, farm or non-farm. The land use on this parcel is open space, agricultural or recreational in nature. 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 parcel is covered by four soil types, Langhei-loam (LIE), Seelyeville-Seelyeville, ponded, complex (Mt), Barnes-Buse complex (BbC2), and Sandberg loamy coarse sand (D8E). The majority of the parcel is considered "not prime farmland", it is better suited for wildlife, recreational purposes or agricultural grazing than for cropping purposes.

As noted by the Pope County Feedlot Officer, *"Nearby feedlots will not be impacted by the proposal due to other residents in the area and/or shoreland zoning limitations. Please see the submitted Feedlot Analysis Map* (see Attachment 4) *for more information."* The closest feedlot (Parcel#19-0345-000) is over 2,000 feet to the northwest, with 55 animal units. The next closest feedlot is over 9,400 feet to the east.

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 Lake Johanna 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: State Highway 104 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 (Steven Marquardt, 12 September 2025)*
  - **Attachment 2:** *Submitted Site Plan (Steven Marquardt, 12 September 2025)*
  - **Attachment 3:** *Marquardt Application CUP-25-010, Farmland Classification (J.Hill (Zoning Administrator), 16 October 2025)*
  - **Attachment 4:** *Proposed Non-Farm Residential Structure, Feedlot Analysis (A.Hughes (Feedlot Officer, Land Use Specialist), 13 October 2025)*
  - **Attachment 5:** *Site Visit Photos (L&RM Staff, 13 October 2025)*

Routing Sheet

Comments, Concerns and Conditions

County Department

Assessor	*COMMENTS: The classification would change to a split class of seasonal recreational and rural vacant.*
Attorney	No comment received.
E911 Addressing	*COMMENTS: Parcel#20-0194-000 as an assigned E911 address of 32986 State Hwy 104, Brooten, MN 56316.*
Feedlot Officer	*COMMENTS: Nearby feedlots will not be impacted by the proposal due to other residents in the area and/or shoreland zoning limitations. Please see the submitted Feedlot Analysis Map for more information.*
WCA Officer	*COMMENTS: There are extensive areas of wetland on this parcel, but there is also sufficient upland to allow for development that will not impact wetlands. There appears to be an existing access path to the proposed development. The plan for wastewater management needs to be clarified. Otherwise, the proposed use does not present any risk of harm to wetlands, and I have no objection from a WCA standpoint. As Ag Inspector, I would point out that this area is surrounded by high quality native prairie, and care should be taken to prevent establishment of invasive non-native vegetation on any disturbed ground.* *PROPOSED CONDITIONS: A clear and detailed plan for wastewater management is needed. A plan for revegetation of any disturbed ground is needed, to prevent establishment of invasive weeds.*

Township

Lake Johanna	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, October 23rd, 2025 in the Pope County Courthouse to consider the following conditional use request.

Description of Request: Conditional Use hearing for an application by Steven Marquardt (CUP-25-010, Parcels#20-0194-000), 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: The Northeast Quarter (NE¼) of the Northwest Quarter (NW¼), Section 31, Township 123 (Lake Johanna), Range 36, 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. Thank you for your patience and consideration in this matter.

Dated: October 3, 2025
By: Jessica Hill, Zoning Administrator, Land & Resource Management

Supplemental Information

Supplemental Information Attachment 1:

Conditional Use Permit Application
(Steven Marquardt, 12 September 2025)

POPECOUNTY
MINNESOTA

CONDITIONAL/INTERIM USE PERMIT APPLICATION

L&RM FORM 17

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CONDITIONAL /INTERIM USE PERMIT APPLICATION

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.

CUP-25-010

Applicant Information

Applicant Names: STEVEN MARQUARDT		
Phone Number: [redacted]	Email: [redacted]	Lake: [redacted]

Property Description

Property Address: 32986 TH-104	City: BROOTEN	State: MN	Zip: 56316
Township Name: Lake Johanna	Section: 31	Twp: 123	Range: 36
Parcel No.: 20 - 0194 - 000	Associated Parcel No.:		

Project Narrative

What is the conditional / interim use permit application for? HUNTIING BUNK HOUSE

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

NO CONFLICTS WITH EXISTING NEARBY LAND USE. PRIMARY USE WILL BE DURING THE MINNESOTA HUNTING SEASON.

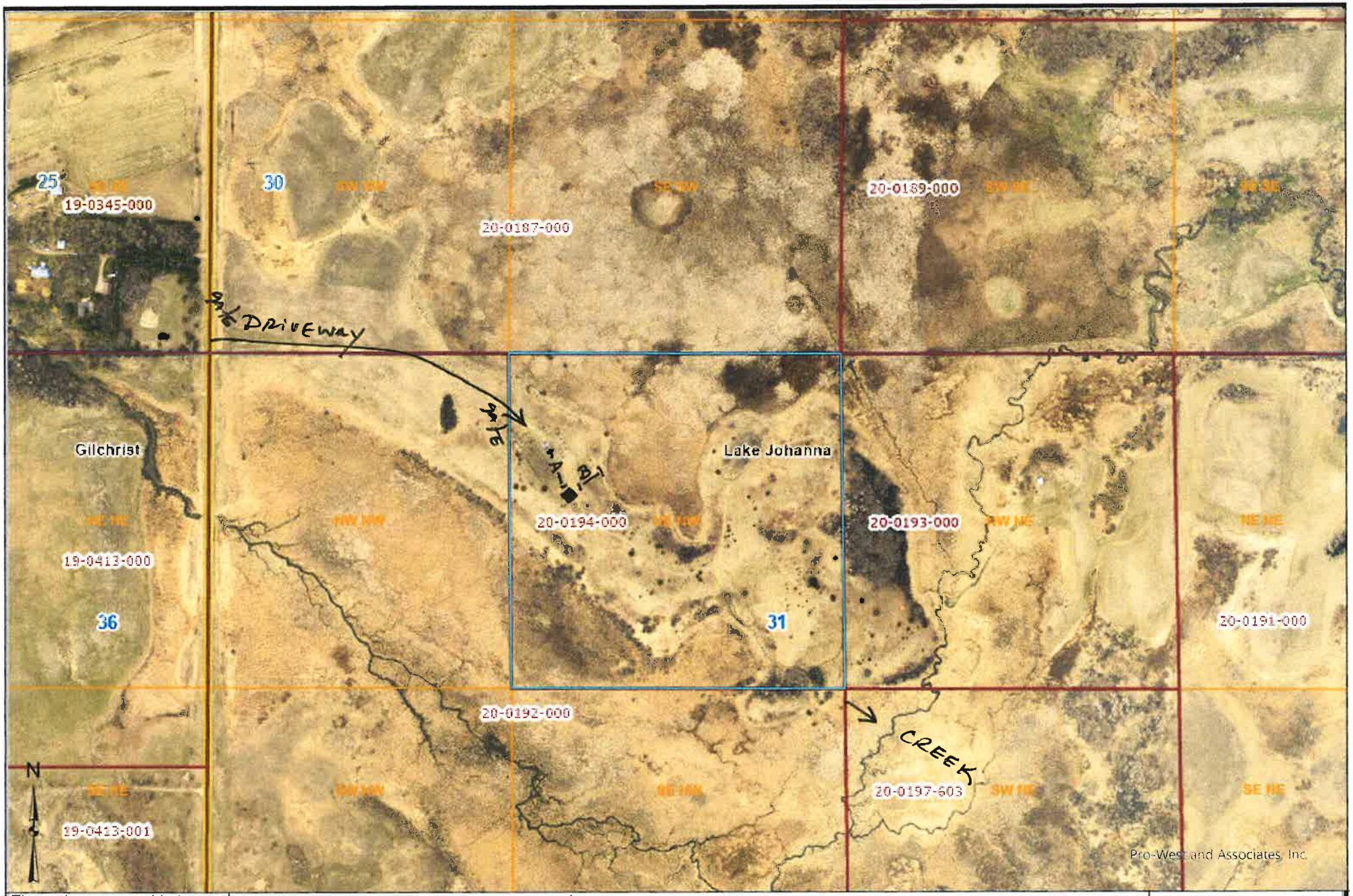
APPLICATION REQUIREMENTS

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:	HUNTING BUNK HOUSE / SLEEPING, LUNCHES FOR FAMILY.
a. Type of business or activity (including scope of operations);	N/A
b. Proposed number of employees;	N/A
c. Days and hours of operation;	N/A
d. Equipment and vehicles to be used for the activity;	NONE
e. Proposed floor plan of any structure or use indicated;	16 X 24 BUNKIE
f. Sanitary sewer and water plan with estimated use per day;	ALL TOLIET AND WATER IS CURRENTLY SELF CONTAINED.
g. Any maintenance to take place on-site, including how hazardous materials and solid waste will be stored and disposed of; and	N/A
h. Proposed exterior lighting, signage and storage.	NONE
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 provide on the Site Plan page of this application or attach 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.	

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
(Steven Marquardt, 12 September 2025)



These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

A: 70 yards to camper to PROPOSED BUNK HOUSE

B: 72 yards to wetland/cattails

POPE LAND

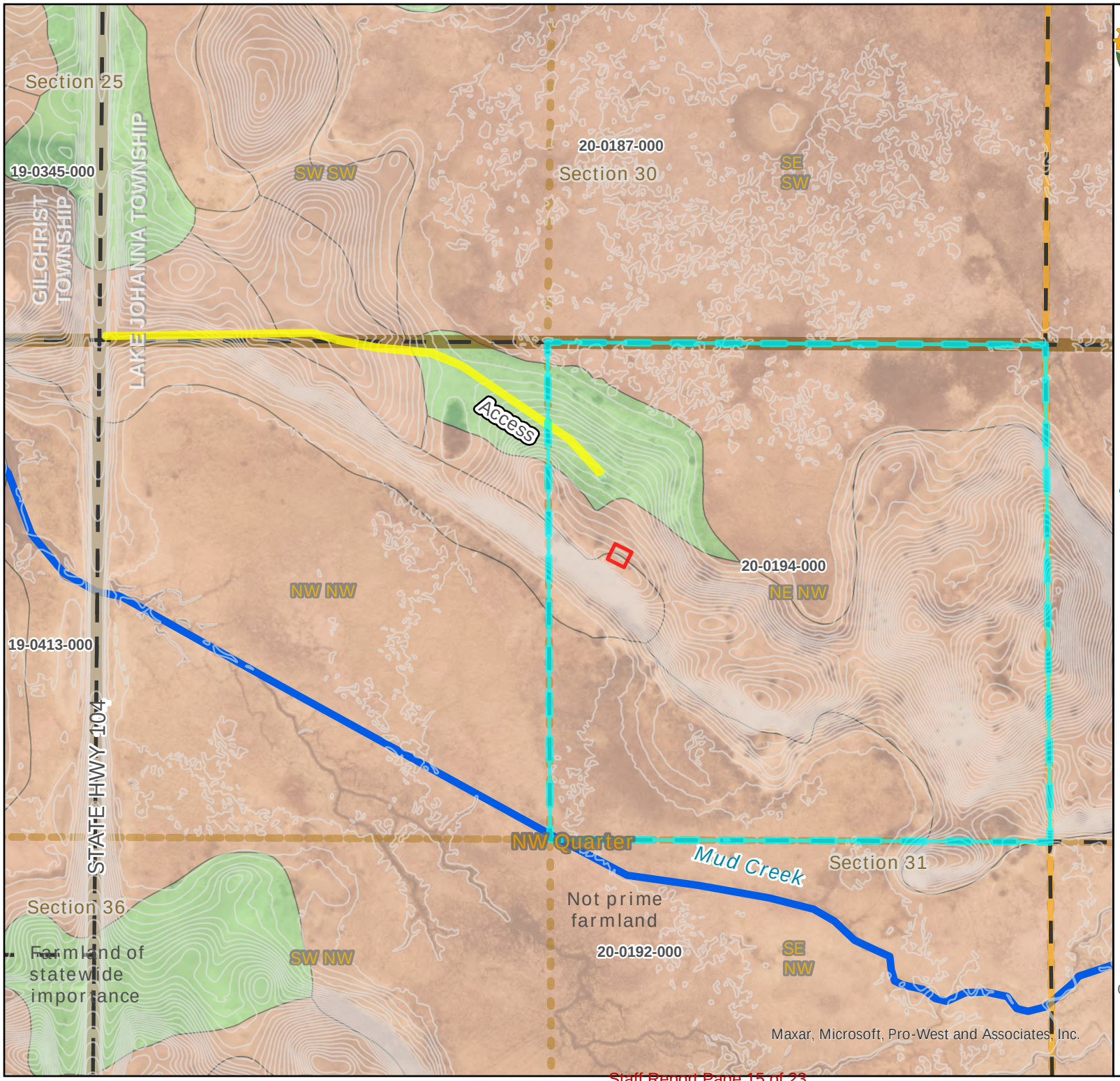
1:8,451

Date: 9/5/2025

This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.

Supplemental Information Attachment 3:

Marquardt Application CUP-25-010, Farmland Classification
(J.Hill (Zoning Administrator), 16 October 2025)



POPE COUNTY MINNESOTA

MARQUARDT APPLICATION CUP-25-010

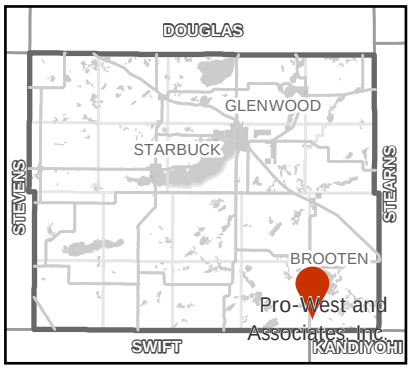
FARMLAND CLASSIFICATION

Legend

- Proposed
- Access Driveway
- Tax Parcels
- Contours (ft NAVD88)
- Public Water Watercourse

Farmland Classification

- Farmland of statewide importance
- Not prime farmland



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Miles

Scale: 1:4,241

Publish Date: 10/16/2025
Author: Jessica Hill, Zoning Administrator
Spatial Reference: NAD 1983 HARN Adj MN Pope Feet

Pope County Land & Resource Management

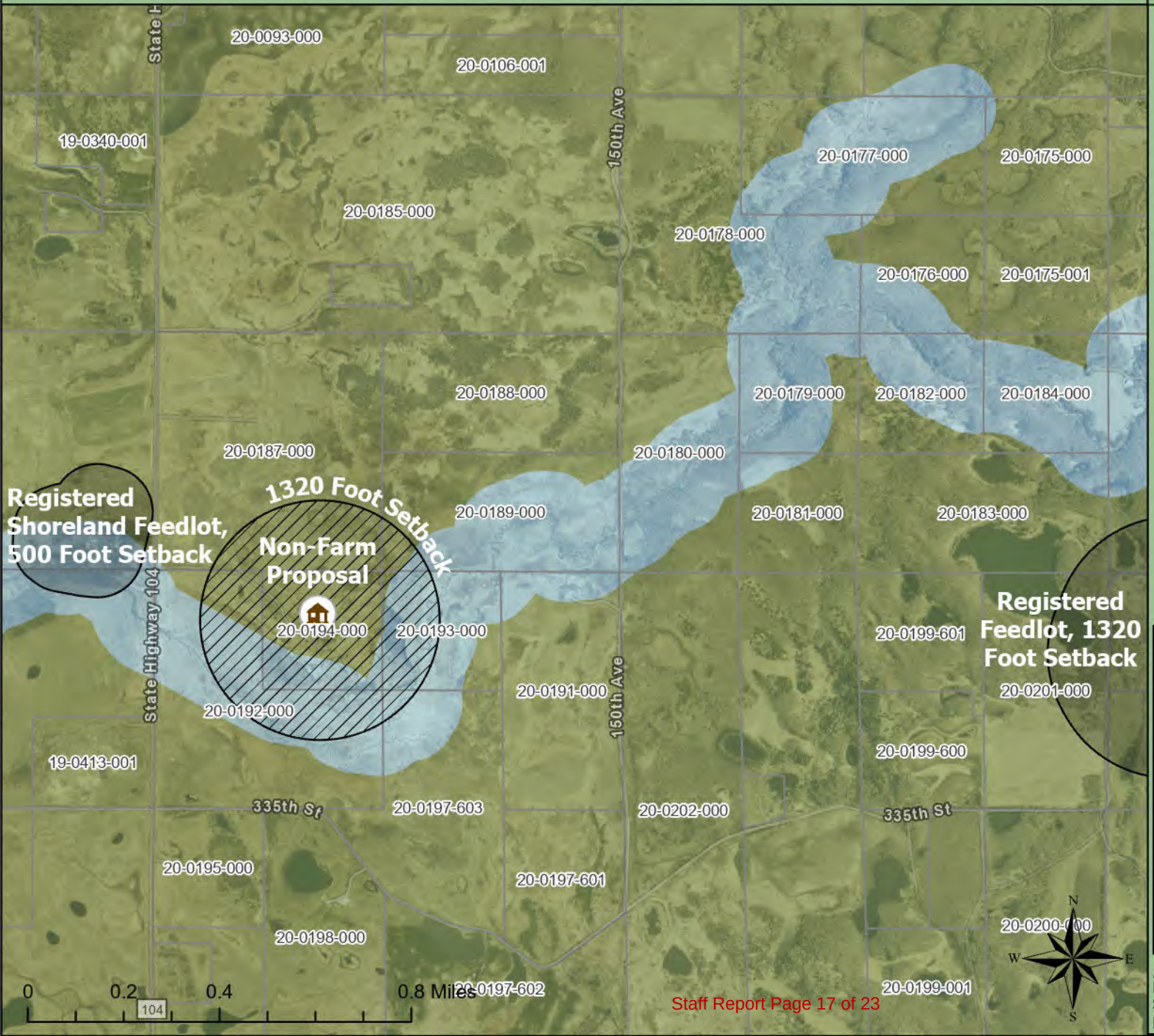
DISCLAIMER: THIS MAP IS NOT A SUBSTITUTE FOR ACCURATE FIELD SURVEYS OR FOR LOCATING ACTUAL PROPERTY LINES AND ANY ADJACENT FEATURES.

Supplemental Information Attachment 4:

Proposed Non-Farm Residential Structure, Feedlot Analysis
(A.Hughes (Feedlot Officer, Land Use Specialist), 13 October 2025)

PROPOSED NON-FARM RESIDENTIAL STRUCTURE FEEDLOT ANALYSIS

POPE COUNTY
MINNESOTA



MARQUARDT CUP-25-010

PID#20-0194-000
Township:
Lake Johanna
Range: 36
Section: 31

Legend

- Non-Farm Proposal
- 1320 Foot Non Farm Setback
- Feedlot Setback Based on A.U.
- Tax Parcel
- Shoreland-Rivers/Streams (S-RS)
- Agricultural Protection (A-2)

Notes:
The identified feedlots will not be impacted by this non-farm proposal.

Author: Ariel Hughes
Date Exported: October 13, 2025
Spatial Reference
Name: NAD 1983 HARN Adj MN Pope Feet

Supplemental Information Attachment 5:

Site Visit Photos
(L&RM Staff, 13 October 2025)

Jayco