

MEETING MINUTES
POPE COUNTY BOARD OF ADJUSTMENT
Thursday September 28, 2023

The Board of Adjustment convened in regular session on Thursday, September 28, 2023 at the Pope County Courthouse, 3rd floor Meeting Room.

Members Present: Roger Isdahl, John Messenger, Ivie Cooley, Mark Halls and Russell Barkeim

Other Officials Present: David Green (Land & Resource Management Director), Shelley Retrum (Sr. Administrative Associate), Jessica Hill (Zoning Administrator), Ariel Hughes (Feedlot Officer), Larry Lindor (County Commissioner) and Paul Gerde (County Commissioner)

Call to Order

The meeting was called to order by Chairman Isdahl at 6:02 p.m.

Additions and Corrections to the Agenda

There were no additions or corrections to the agenda. A motion to accept the agenda as prepared was made by Messenger and seconded by Cooley. Motion carried with no dissenting votes noted.

Review minutes of August 24, 2023

The minutes of the Board of Adjustment meeting that was held on August 24, 2023 were submitted for approval. Motion to accept the minutes as written was made by Barkeim and seconded by Messenger. Motion carried with no dissenting votes noted.

General Business

Land & Resource Management Director Green briefed the Board and applicants in regard to the role of the Board of Adjustment and the standards for establishing a “practical difficulty”.

Tabled/Old Business

There was no tabled or old business to discuss.

New Business

Variance #23268, applicant Jordan Johnsrud Construction LLC on behalf of Colton & Sarah Iverson (PID# 08-0528-000)

The applicants would like to locate/construct a new residence at less than the required setback from the centerline of a road. As proposed, the structure would be located approximately 75 feet from the centerline of Mulligan Drive. In addition to topographical limitations, the applicant states that locating the residential structure at 75 feet from the centerline of the road would result in a structure that is similarly situated to many others in this neighborhood. The proposed location was chosen as most practical with consideration having been given to the built as well as the natural environment. Chairman Isdahl introduces the item followed by a staff report as presented by Zoning Administrator, Jessica Hill. The report did include any agency and public comments received prior to the meeting date. Having reviewed and considered the application, local ordinances, state statutes, and all comments received, staff does not object to the issuance of a variance in this case. The applicant Colton Iverson was offered

an opportunity to defend their variance request. Colton Iverson comments *thank you for your time here tonight and I kindly request you to consider approving our variance request. I have produced some documents that show neighbors that are in favor. I am here to answer any questions the board may have.* Chairman Isdahl opens a public hearing and seeks comments. There were no comments offered from the public in attendance for or against the proposal. The Public Hearing was followed by a site visit report as presented by Messenger and Barkeim. The site team stated *as outlined in the staff report, the other homes in the area have varying setbacks. It would fit in well with the other neighbors and it would be a nice addition to the area.* At the conclusion of the site visit report there was brief discussion followed by the following motion to approve of the variance by Cooley: *Based upon the information as presented in the staff report and facts as gathered this evening, I move to approve of the variance request to locate residential structure at reduced setback form the centerline of the road.* Motion is seconded by Barkeim. Motion passes. Conditions include:

- The proposed residential structure may not be located any closer than 75 feet from the centerline of the road right-of-way.
- That prior to any construction activities, all necessary permits are secured from Township, County and State Agencies.

With Findings as follows:

1. **Variance request consistent with purposes and intent of the official controls and the comprehensive plan:**

Findings: The purpose of the required setback for structures from roadways is to protect personal property; provide for maintenance and potential expansion of public roads; ensure safety for all users of roads and for those adjacent to roads; and to preserve the neighborhood character and aesthetics. It is not likely that allowing the structure at 75 feet from the center of the roadway will create a hazard to motorists using the adjacent public road or limit future road improvement.

2. **Use of property/structure is a reasonable use:**

Findings: The locating/constructing of a new residential structure on the parcel is consistent with existing adjacent uses in this neighborhood.

3. **Character of locality and detriment to neighboring properties:**

Findings: Granting the variance will not change the character of the locality or be a detriment to the neighboring properties. The neighborhood will remain primarily rural residential in nature and use.

4. **Plight of the landowner is due to circumstances unique to the property and not self-created:**

Findings: The circumstances contributing to the need for the variance include topography that slopes down to the drainage way through the middle of the property.

Variance #23261, applicant Jeremy Walker (PID# 02-0079-000)

The applicant, Jeremy Walker, is seeking to re-establish a dairy which is located in a shoreland area. While Walker is proposing to start the operation by relocating his 65 milking cows to the site (65 animal units (AU)), at full operation the dairy may include up to 200 AU. The Pope County Land Use Controls Ordinance does limit expansion within shoreland to a maximum capacity of 50 AU. Therefore, Walker is seeking a variance to the total number of AU that a feedlot located in a shoreland district may expand to. Chairman Isdahl introduces the item followed by a staff report as presented by Director Green. The report did include any agency and public comments received prior to the meeting date. Having reviewed and considered the application, local ordinances, state statutes, and all comments received, staff does not object to the issuance of a variance in this case. The applicant Jeremy Walker was offered an opportunity to defend his variance request. Walker comments *the MPCA setback to Lake Ellen is 300 feet and Pope County has a 500 foot setback. Expansion would be to the south. It is pretty self-explanatory.* Chairman Isdahl opens a public hearing and seeks comments. There were no comments offered from the public in attendance for or against the proposal. The Public Hearing was followed by a site visit report as presented by Messenger and Barkeim. The site team stated *it is a typical farm site and it doesn't look like shoreland. You do not see a lot of the neighbors. It is a site that has been approved previously to the south and it would make sense to preserve that land. It is a good location.* At the conclusion of the site visit report there was brief discussion about Judicial Ditch 4 followed by the following motion to approve of the variance by Messenger: *Based upon the information as presented in the staff report and facts as gathered this evening, I move to approve of the variance to increase the permitted feedlot to over fifty (50) animal units in a Shoreland-Natural Environment (S-NE) zoning district.* Motion is seconded by Halls. Motion passes. Conditions include:

1. The identified feedlot may not exceed 200 animal units, nor shall the feedlot be stocked, at any time, in excess of the capacity as accounted for in the manure management plan and the feedlot must remain compliant with township, county and state rules at all times.
2. All structures are to meet shoreland setback standards.
 - a. No part of the identified feedlot area or structures shall encroach any closer to either Lake Ellen or County Ditch 4 than the existing feedlot facility (approximately 500 feet).
3. Prior to stocking, that all necessary facilities have been properly permitted, constructed and inspected where required.
4. Operator is to maintain conformance with all aspects of Minnesota Pollution Control Agency Rules, Animal Feedlot Chapter 7020. Any changes to the plan must be submitted in writing to the Land & Resource Management Office (Feedlot Officer) for review and approval thirty (30) days prior to the proposed changes taking effect. Proposed changes to the manure management plan must be approved in writing by the County Feedlot Officer or designee before the plan may be implemented.
5. That all uses on-site are to be compliant with provisions of the Pope County Land Use Controls Ordinance.

With Findings as follows:

1. **Variance request consistent with purposes and intent of the official controls and the comprehensive plan:**

Findings: 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. The Comprehensive Plan also states that the ground and surface water resources should be protected for future use and enjoyment and that there should be ample overview, regulation and standards to prevent activities that are not sound from an environmental perspective. The purpose of limiting the number of animal units to be located in a shoreland designated zoning districts is for protection of the public water resource. Taking into account conformance with MN 7020 Rules and the location of the feedlot, including distance from sensitive resources, existence of vegetative buffers in place, and direction of overland flow, the public water resource should not be affected by the increased number of animals in the feedlot. It is not likely that allowing the increase in AUs will correlate in causing a direct negative impact to the public water resource.

2. **Use of property/structure is a reasonable use:**

Findings: Agricultural uses including feedlots of limited size are a common and integral part of the fabric of Pope County, including Leven township.

3. **Character of locality and detriment to neighboring properties:**

Findings: Granting the variance will not change the character of the locality or be a detriment to the neighboring properties. The neighborhood will remain primarily agricultural in nature.

4. **Plight of the landowner is due to circumstances unique to the property and not self-created:**

Findings: The circumstances contributing to the need for the variance include that utilization of the existing feedlot area and facilities will serve to preserve prime cropping and grazing lands.

Adjournment 6:22 p.m. Motion by Cooley to adjourn the Board of Adjustment meeting with a second by Messenger. Motion carried with no dissenting votes noted.

Respectfully submitted,



Shelley Retrum/Sr Administrative Associate
Pope County Land & Resource Management