Planning Advisory Commission
June 25, 2026
CUP-26-007

POPECOUNTY MINNESOTA

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STAFF REPORT

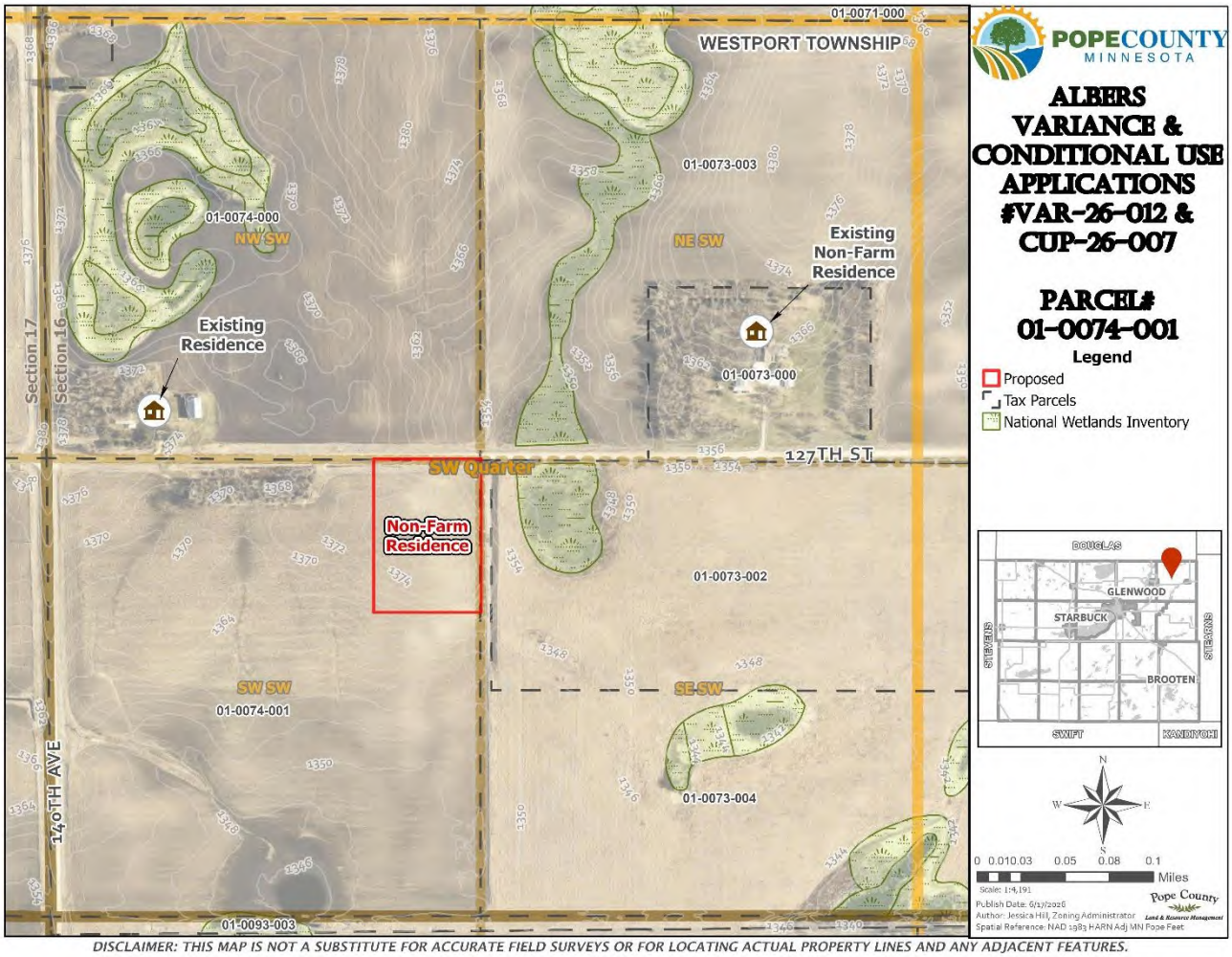
Applicant Information

Applicant: Joshua & Caitlin Albers

Application: Conditional Use Permit (CUP-26-007)

Zoning: Agriculture Protection (A-2)

Location: The Southwest Quarter (SW¼) of the Southwest Quarter (SW¼), Section 16, Township 126 (Westport), Range 36, Pope County, Minnesota



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

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 south side of 127th Street and in the Northeast quarter of the Southwest quarter of the Southwest quarter of Section 16 in Westport Township. This proposal would be considered the third residence to be located in the Southwest Quarter in Section 16.

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 Southwest Quarter of Section 16 in Westport Township. This parcel of land is located in an A-2 zoning district where non-farm 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 (SW), there is one other non-farm residence and one farm residence in existence. The land use on this parcel is agricultural in nature. The lands adjacent and nearby include agricultural uses, wetland areas and open space.

According to the Natural Resources Conservation Service (NRCS) Web Soil Survey, the 3 acre site has three soil types, with the main soil types of the proposed building area being, Hokans-Buse complex (BbB2), 2 to 6 percent slopes, and Barnes-Buse complex (BbC2), 6-12 percent slopes. These soils are classified as "Prime Farmland" and "Farmland of Statewide Importance". However, the proposed residential site occupies a limited area where highly productive soils are limited and there is a road access nearby. The proposal does not substantially affect agricultural operations on the remaining parcel and represents a location that minimizes fragmentation of agricultural land.

As noted by the Pope County Feedlot Officer, *"There are six (6) feedlots within two (2) miles of the proposal. The proposed reciprocal setback shown on the attached map is based on the feedlot located west of the proposed residence, which results in the largest applicable setback distance. The proposed residence may also affect future expansion considerations for the feedlot to the south; however, that feedlot is subject to separate shoreland-related and site limitations."*

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. Prior to issuance of any Land Use Permit, the property owner shall execute and record the Agriculture Zone (Right-to-Farm) Acknowledgement form provided by the Land & Resource Management office.
2. Prior to issuance of a Land Use Permit, the applicant shall obtain an E911 address in accordance with the Pope County E911 Rural Addressing Ordinance.
3. That the property owner is responsible for reaching out to the Township to assure compliance with any Township standards.

4. 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. The proposed residence is located adjacent to existing residential development and existing roadway infrastructure, thereby limiting fragmentation of agricultural land and supporting the Comprehensive Plan goal of balancing rural residential development with long-term agricultural preservation.

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 Westport Township. The dominant land uses in this area are agricultural and open space. 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. The Feedlot Officer identified six feedlots within two miles of the proposal and concluded that the proposal meets applicable setback requirements. While the residence may be considered in future feedlot expansion evaluations, the record indicates that other site limitations already affect expansion opportunities.

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: 127th 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 proposed residence is located adjacent to existing residential development and will not materially alter the agricultural character of the surrounding area or impede ongoing agricultural operations.

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 (Joshua & Caitlin Albers, 12 May 2026)*
  - **Attachment 2:** *Site Plan (Joshua & Caitlin Albers, 12 May 2026)*
  - **Attachment 3:** *Feedlot Analysis, Proposed Non-Farm Residential Structure, (A.Hughes (Feedlot Officer, Land Use Specialist), 3 June 2026)*
  - **Attachment 4:** *Albers VAR-26-012 & CUP-26-007, Parcel#01-0074-001, Farmland Classification (J.Hill (Zoning Administrator), 16 June 2026)*
  - **Attachment 5:** *Site Visit Photos (L&RM Staff, 15 June 2026)*

Routing Sheet

Comments, Concerns and Conditions

County Department

Attorney	No comment received.
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: There are six (6) feedlots within two (2) miles of the proposal. The proposed reciprocal setback shown on the attached map is based on the feedlot located west of the proposed residence, which results in the largest applicable setback distance. The proposed residence may also affect future expansion considerations for the feedlot to the south; however, that feedlot is subject to separate shoreland-related and site limitations.*
WCA Officer	*COMMENTS: I have no concerns from a WCA standpoint.*

Township

Westport	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, June 25th, 2026 in the Pope County Courthouse to consider the following conditional use request.

Description of Request: Conditional Use hearing for an application by Joshua & Caitlin Albers (CUP-26-007, Parcel#01-0074-001) to establish 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 Southwest Quarter (SW¼) of the Southwest Quarter (SW¼), Section 16, Township 126 (Westport), 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. ***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: June 5, 2026
By: Jessica Hill, Zoning Administrator, Land & Resource Management

Supplemental Information

Supplemental Information Attachment 1:

Conditional Use Permit Application
(Joshua & Caitlin Albers, 12 May 2026)

15 days - 5/30/26
60 days - 7/14/26

CUP-26-007

CONDITIONAL/INTERIM USE PERMIT APPLICATION

POPE COUNTY MINNESOTA

L&RM FORM 17

S:\0_ADMIN\1_Forms\Form 17_CUP-IUP Application\L&RM Form 17_CUP-IUP Application.docx

RECEIVED
MAY 12 2026
By: Dan

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.

Applicant Information

Applicant Names	Johna & Caitlin Albers
[redacted]	

Property Description

Property Address	NA						City		State	MN	Zip	56385	
Township Name	Westport						Section	16	Twp		Range		
Parcel No.	0	1	-	0 0 7 4	-	0 0 1	Associated Parcel No.		-		-		

Project Narrative

What is the conditional / interim use permit application for?	Residential Structure

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

We are joining the family farming operation and need a place to live for our family. We are using the northeast corner of the 40 acre plot for the build site with a maximal land use of 3 acres. The remaining acreage will stay Ag land for our farming use.

$28 $750

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:	
a. Type of business or activity (including scope of operations);	Residential building
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;	N/A
e. Proposed floor plan of any structure or use indicated;	N/A
f. Sanitary sewer and water plan with estimated use per day;	N/
g. Any maintenance to take place on-site, including how hazardous materials and solid waste will be stored and disposed of; and	
h. Proposed exterior lighting, signage and storage.	N/A
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.	

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:

Site Plan (Joshua & Caitlin Albers, 12 May 2026)

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

1:4,514

Date: 4/15/2026

POPE COUNTY MINNESOTA

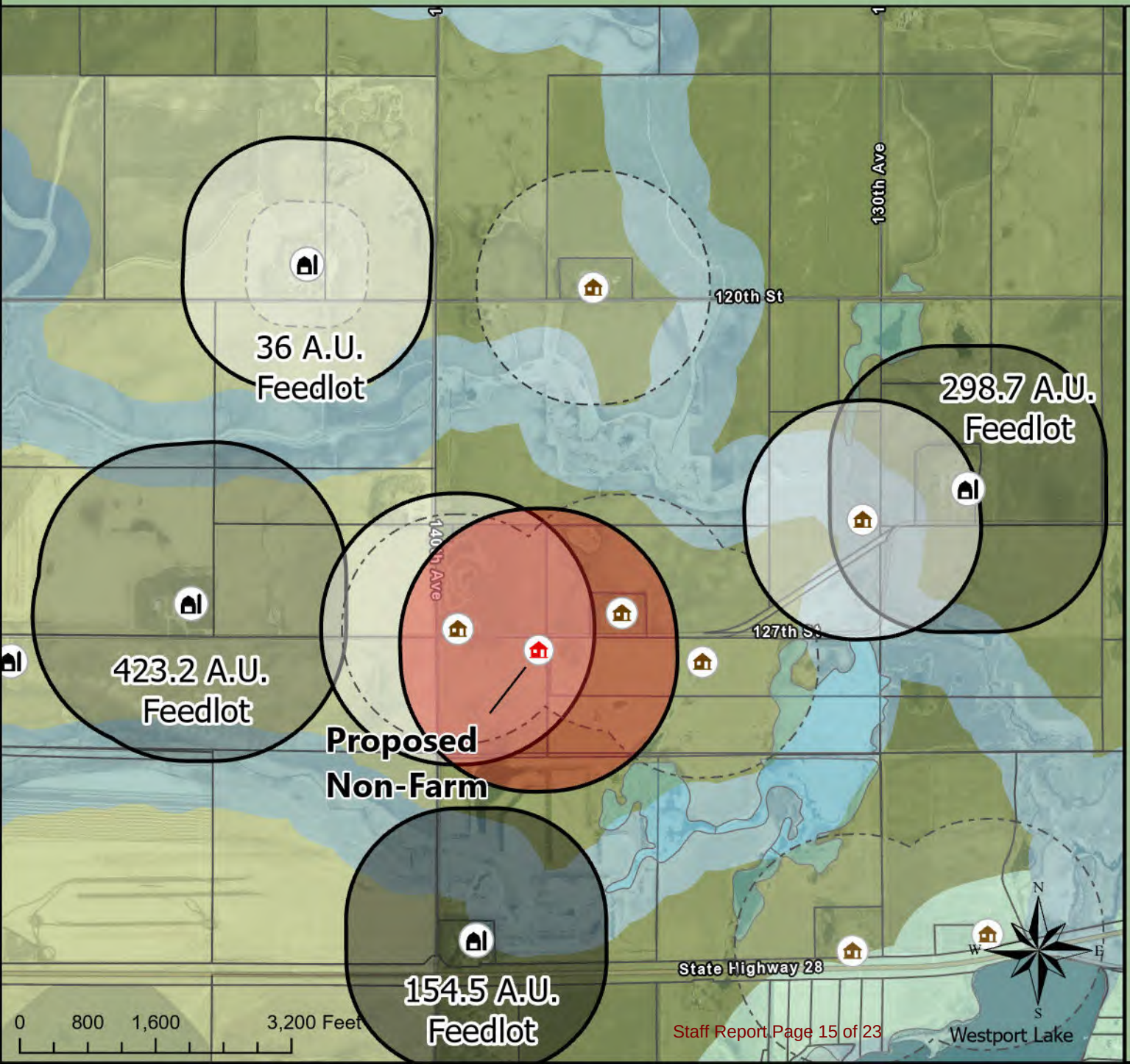
Supplemental Information Attachment 3:

Feedlot Analysis, Proposed Non-Farm Residential Structure, (A.Hughes (Feedlot Officer, Land Use Specialist), 3 June 2026)

FEEDLOT ANALYSIS

Proposed Non-Farm Residential Structure

POPE COUNTY
MINNESOTA



Albers

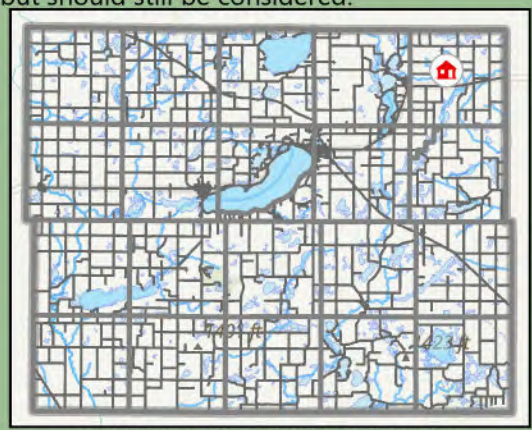
CUP-26-007, VAR-26-012

Legend

- Proposed Residence
- Existing Residences
- Proposed reciprocal setback (1566.4 ft)
- Existing setback based on district
- Feedlots
- Shoreland-Rivers/ Streams (S-RS)
- Feedlot setback based on A.U.
- Agriculture-Non-Intensive (A-1)
- Existing reciprocal setback
- Agricultural Protection (A-2)

Notes:

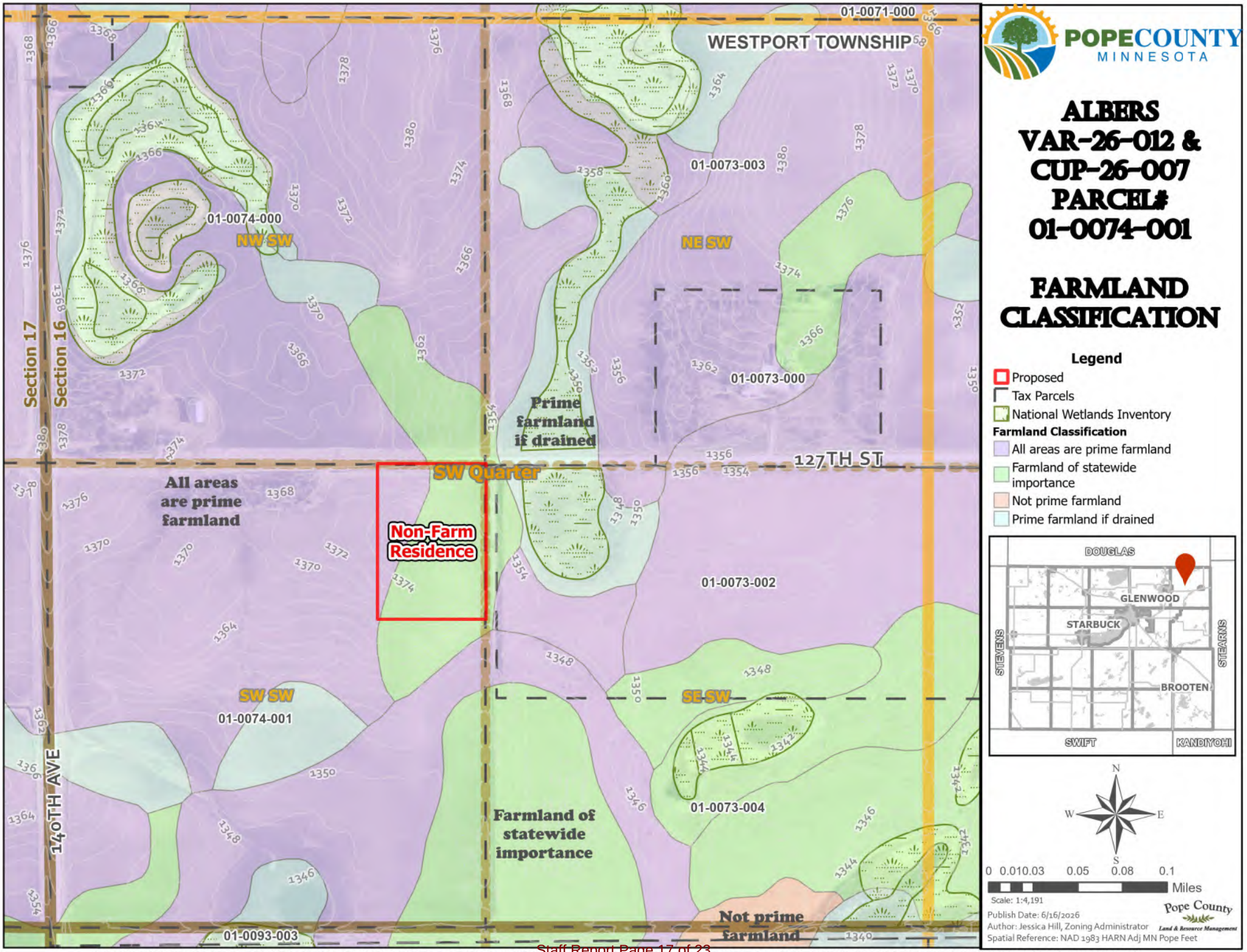
Existing residence reciprocal setbacks are shown only where they affect setback calculations for actively registered feedlots. The proposed reciprocal setback is based on the largest setback distance generated by nearby feedlots. The feedlot to the south is subject to a separate shoreland-related expansion limitation not shown on this map but should still be considered.



Spatial Reference: NAD 1983 HARN Adj MN Pope Feet
Author: Ariel Hughes
Date Exported: June 03, 2026

Supplemental Information Attachment 4:

Albers VAR-26-012 & CUP-26-007, Parcel#01-0074-001, Farmland Classification (J.Hill (Zoning Administrator), 16 June 2026)



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Supplemental Information Attachment 5:

Site Visit Photos
(L&RM Staff, 15 June 2026)