

PLANNING & ZONING COMMISSION AGENDA

Date: December 18, 2023

Time: Following the adjournment of the Nicollet County Board of Adjustments and Appeals Meeting (doors open at 6:45)

Location: Nicollet County Board Room, 501 S. Minnesota Avenue, St. Peter, MN

Copies of the meeting agenda and packet are available on the Nicollet County website at:
mn-nicolletcounty.civicplus.com/AgendaCenter

Questions or comments regarding the meeting can be directed to the Nicollet County Property Services Department by calling 507-934-7070, or by email to niccopermitapps@co.nicollet.mn.us.

1. Call to Order
2. Roll Call
3. Silence Your Cell Phone
4. Review of Cancellations and Additions
5. Approval of Minutes: *November 20, 2023*
6. Public Appearances
7. **PUBLIC HEARING: PLN23-23** (*continued from November 20th meeting*)
 - Applicant: Adam Hoffmann for M.R. Paving & Excavating Inc.
 - Landowner: New Ulm Quartzite Quarries, Inc.
 - Request: 3-year Mineral Extraction CUP renewal
 - Location: Northwest ¼ of the Southwest ¼, Section 35-110-30 in Courtland Township
 - Parcel Number: 04.035.1705
8. **PUBLIC HEARING: PLN23-24**
 - Applicant: Lee Alex for Trident Dairy
 - Landowner: Dairy Wise Builders MN III LLC
 - Request: Modification of an existing Feedlot CUP to increase the animal units and change the animal type
 - Location: Southeast ¼ of Northwest ¼ and part of Southwest ¼ of Northwest ¼, Section 15-110-28 in Granby Township
 - Parcel Number: 05.015.0400
9. **PUBLIC HEARING: PLN23-25**
 - Applicant: Marty & Mary McCabe
 - Landowner: Marty & Mary McCabe

Mission Statement

Providing efficient services with innovation and accountability.

Vision Statement

Setting the standard for providing superior and efficient county government services through leadership, accountability and innovation to a growing and diverse society.

Core Values

Leadership. Integrity. Accountability. Efficiency. Innovation.

Request: CUP for filling over 50 cubic yards

Location: Part of Western ½ of Northeast ¼, Section 7-110-26 in Traverse Township

Parcel Number: 12.107.0700

10. **PUBLIC HEARING: PLN23-26**

Applicant: Holly Carlson

Landowner: Holly Carlson

Request: Kennel CUP

Location: Part of Southeast ¼ of the Northwest ¼, Section 17-109-28 in Nicollet Township

Parcel Number: 09.017.0300

11. Review Permits

12. Old Business: County & State standards for residential programs and community-based residential facilities

13. Other Business: 2024 Planning & Zoning Commission Meeting Schedule

14. Communications

15. Adjourn



PLANNING COMMISSION REGULAR MONTHLY MEETING MINUTES

NOVEMBER 20, 2023	7:04 PM	NICOLLET COUNTY BOARD ROOM
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ROLL CALL	COMMISSIONERS PRESENT	COMMISSIONERS ABSENT EXCUSED	NICOLLET COUNTY STAFF PRESENT
	☒ Dave Ubel, <i>Chair</i> ☒ Jon Thoreson, <i>Vice Chair</i> ☒ Marie Dranttel, <i>Commissioner</i> ☒ Lloyd Hoffmann ☒ Justin Laven ☒ Randy Schwab	☐ Dave Ubel, <i>Chair</i> ☐ Jon Thoreson, <i>Vice Chair</i> ☐ Marie Dranttel, <i>Commissioner</i> ☐ Lloyd Hoffmann ☐ Justin Laven ☐ Randy Schwab	☒ Spencer Crawford, Zoning Administrator (ZA) ☒ John Zehnder, Zoning Administrator (ZA) ☒ Michelle Zehnder Fischer County Attorney (CA) ☒ Crystal Madden, Recording Secretary ☐ Other Staff: ☐ Other Staff:

REVIEW OF AGENDA	
AGENDA ADDITIONS / DELETIONS	Motion made by Commissioner Laven and seconded by Commissioner Schwab to accept a request to continue hearing PLN23-23 until the next scheduled meeting on Monday, December 18, 2023. Vote on the motion passed 6-0. PLN23-23 hearing is removed from tonight's agenda.

APPROVAL OF OCTOBER 16, 2023 MINUTES	MOTION	2 ND
☒ APPROVE ☐ APPROVE WITH REVISIONS	☐ Dave Ubel, <i>Chair</i> ☒ Jon Thoreson, <i>Vice Chair</i> ☐ Marie Dranttel, <i>Commissioner</i> ☐ Lloyd Hoffmann ☐ Justin Laven ☐ Randy Schwab	☐ Dave Ubel, <i>Chair</i> ☐ Jon Thoreson, <i>Vice Chair</i> ☐ Marie Dranttel, <i>Commissioner</i> ☐ Lloyd Hoffmann ☒ Justin Laven ☐ Randy Schwab
VOTE TO APPROVE MINUTES	☒ PASS ☐ FAIL	VOTE: 6 - 0

PUBLIC APPEARANCES
None.

PUBLIC HEARINGS – CONDITIONAL USE		
PLN23-19	APPLICANT/LANDOWNER: Geldner Brothers Sand & Gravel, LLC	
DESCRIPTION	Three-year renewal of a mineral extraction permit to mine, crush, and stockpile gravel, with a hot mix plant within the Conservancy Zoning District.	
CONFLICT OF INTEREST	None.	
SITE VISIT & PUBLIC CONTACT	No Commissioners visited the site. There was no contact with Commissioners from members of the public.	
STAFF REPORT PRESENTED BY	ZA Zehnder	
APPLICANT TESTIMONY	Present to represent the application was Brett Geldner, 1132 Rabbit Road, St. Peter with Gelder Brothers Sand & Gravel LLC.	
PUBLIC TESTIMONY	No one was present to provide public testimony. No other correspondence was received.	
COMMISSIONER DISCUSSION	Further discussion between the Applicant, Commission, and Staff took place.	
COMMISSION ACTION	MOTION	2 ND
RECOMMEND APPROVAL WITH CONDITIONS, as amended	☐ Dave Ubel, <i>Chair</i> ☒ Jon Thoreson, <i>Vice Chair</i> ☐ Marie Dranttel, <i>Commissioner</i> ☐ Lloyd Hoffmann ☐ Justin Laven ☐ Randy Schwab	☐ Dave Ubel, <i>Chair</i> ☐ Jon Thoreson, <i>Vice Chair</i> ☐ Marie Dranttel, <i>Commissioner</i> ☐ Lloyd Hoffmann ☒ Justin Laven ☐ Randy Schwab
VOTE TO RECOMMEND APPROVAL	☒ PASS ☐ FAIL	VOTE: 6 - 0

PLN23-21	APPLICANT/LANDOWNER: M.R. Paving / Ruth Rewitzer, Mary Henle & Doris Guemmer		
DESCRIPTION	Three (3) year review of their mineral extraction permit to mine, crush, stockpile, and process gravel, clay, and shale within the Conservancy Zoning District.		
CONFLICT OF INTEREST	None.		
SITE VISIT & PUBLIC CONTACT	Chair Ubel visited the site. There was no contact with Commissioners from members of the public.		
STAFF REPORT PRESENTED BY	ZA Crawford		
APPLICANT TESTIMONY	Present to represent the application was Adam Hoffmann, 2115 122 nd Street, Hanska with MR. Paving & Excavating.		
PUBLIC TESTIMONY	No one was present to provide public testimony. No other correspondence was received.		
COMMISSIONER DISCUSSION	Further discussion between the Applicant, Commission, and Staff took place.		
COMMISSION ACTION	MOTION	2ND	
RECOMMEND APPROVAL WITH CONDITIONS, as amended	☐ Dave Ubel, <i>Chair</i> ☒ Jon Thoreson, <i>Vice Chair</i> ☐ Marie Dranttel, <i>Commissioner</i> ☐ Lloyd Hoffmann ☐ Justin Laven ☐ Randy Schwab	☐ Dave Ubel, <i>Chair</i> ☐ Jon Thoreson, <i>Vice Chair</i> ☐ Marie Dranttel, <i>Commissioner</i> ☐ Lloyd Hoffmann ☒ Justin Laven ☐ Randy Schwab	
VOTE TO RECOMMEND APPROVAL	☒ PASS	☐ FAIL	VOTE: 6 - 0

PLN23-22	APPLICANT/LANDOWNER: M.R. Paving & Excavating / Tim Kohn		
DESCRIPTION	Three-year review of a mineral extraction permit to mine, crush, and stockpile gravel within the Conservancy and Agricultural Preservation Zoning District.		
CONFLICT OF INTEREST	None.		
SITE VISIT & PUBLIC CONTACT	Chair Ubel visited the site. There was no contact with Commissioners from members of the public.		
STAFF REPORT PRESENTED BY	ZA Zehnder		
APPLICANT TESTIMONY	Present to represent the application was Adam Hoffmann, 2115 122 nd Street, Hanska with MR. Paving & Excavating.		
PUBLIC TESTIMONY	No one was present to provide public testimony. No other correspondence was received.		
COMMISSIONER DISCUSSION	Further discussion between the Applicant, Commission, and Staff took place.		
COMMISSION ACTION	MOTION	2ND	
RECOMMEND APPROVAL WITH CONDITIONS, as amended	☐ Dave Ubel, <i>Chair</i> ☐ Jon Thoreson, <i>Vice Chair</i> ☐ Marie Dranttel, <i>Commissioner</i> ☒ Lloyd Hoffmann ☐ Justin Laven ☐ Randy Schwab	☐ Dave Ubel, <i>Chair</i> ☐ Jon Thoreson, <i>Vice Chair</i> ☐ Marie Dranttel, <i>Commissioner</i> ☐ Lloyd Hoffmann ☐ Justin Laven ☒ Randy Schwab	
VOTE TO RECOMMEND APPROVAL	☒ PASS	☐ FAIL	VOTE: 6 - 0

ADDITIONAL ITEMS		
OLD BUSINESS	None.	
OTHER BUSINESS	None.	
COMMUNICATIONS	Commissioner Laven expressed his concern that halfway houses are not permitted by the County. ZA Crawford advised that staff will provide an update at the next hearing. ZA Crawford advised the Board that the 2024 hearing schedule will be set next year.	
MOTION TO ADJOURN MEETING	MOTION	2ND
08:40 PM	☐ Dave Ubel, <i>Chair</i> ☒ Jon Thoreson, <i>Vice Chair</i> ☐ Marie Dranttel, <i>Commissioner</i> ☐ Lloyd Hoffmann ☐ Justin Laven ☐ Randy Schwab	☐ Dave Ubel, <i>Chair</i> ☐ Jon Thoreson, <i>Vice Chair</i> ☐ Marie Dranttel, <i>Commissioner</i> ☐ Lloyd Hoffmann ☐ Justin Laven ☒ Randy Schwab

VOTE TO ADJOURN MEETING	☒ CARRIED	☐ FAILED	VOTE: 6 - 0	
CRYSTAL MADDEN, RECORDING SECRETARY			DATE	12/18/2023
DAVE UBEL, CHAIR			DATE	12/18/2023

DRAFT



CONDITIONAL USE PERMIT

MINERAL EXTRACTION PERMIT RENEWAL

Valley Asphalt Products, Inc.

PLN23-23

NICOLLET COUNTY PLANNING & ZONING ADVISORY COMMISSION

SUBJECT:	Conditional Use Permit PLN23-23
APPLICANT:	Adam Hoffmann - Valley Asphalt Products / M.R. Paving
LANDOWNER:	New Ulm Quartzite Quarries
LOCATION:	Northwest ¼ of the Southwest ¼, Section 35-110-30 in Courtland Township
PARCEL NO:	04.035.1705
EXISTING ZONING:	Conservancy & Limited Industry Zoning Districts
HEARING DATE:	12/18/2023 (continued)
COUNTY BOARD DATE:	01/02/2024
60 DAYS FROM REQUEST:	01/03/2024 (extended)

REQUEST:

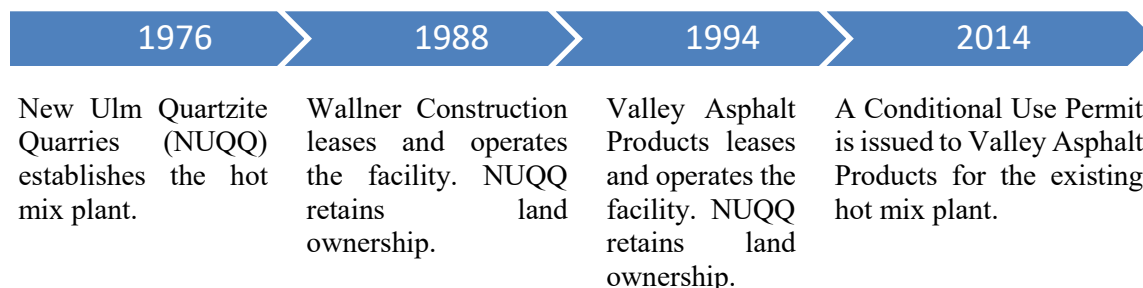
The Applicant is requesting a three (3) year review of their Conditional Use Permit for a hot mix plant.

ORDINANCE:

Mineral extraction operations are required to renew their conditional use permit every three (3) years per Nicollet County Zoning Ordinance 724.2 (3). Standalone hot mix plants are included within the definition of mineral extraction per Nicollet County Zoning Ordinance 302 (165).

PROJECT DESCRIPTION:

Timeline:



Operations:

The facility consists of a hot mix plant and its associated storage, which produces and hauls up to 1,000 tons of asphalt per day and up to 85,000 tons per year. The plant is located within the New Ulm Quartzite Quarries facility and is leased to Valley Asphalt Products, who are a branch of M.R. Paving & Excavating. This Conditional Use Permit only authorizes the plant and its associated features; the remainder of the New Ulm Quartzite Quarries facility, including the mining pit, is permitted separately.

The plant combines aggregate and recycled pavement stored on site with a binder to create asphalt, which is used in various road and paving projects. The equipment utilized includes payloaders, dozers, excavators, dump trucks, semis, water trucks, bins, asphalt drums, silos, oil tanks, conveyors, and skid loaders. The site generates about 75 trips per day for loading and unloading of material.

The production process varies depending on the product desired, but generally goes as such:

- Materials are transferred by loader from the stockpiles into the feed bins.
- The feed bins supply the dryer via a conveyor system.
- The material is fed from the dryer to a mixer, which combines it with oil.
- The product is stored in a silo until loaded into a haul truck.

Access:

The site has direct access to 571st Lane via a path leading to the facility. The entrance is located about 1,500 feet south of the 571st Lane & Highway 14 intersection.

Appearance:

The facility is screened from the Minnesota River and Highway 14 by trees to the north and west. It is generally screened from other properties by the berms and stockpiles of New Ulm Quartzite Quarries.

Bond Requirements:

The Applicant has submitted an updated bond in the amount of \$7,500 to cover the actively used and not yet reclaimed acres. The bond amount is \$2,500 per acre due to the pit preexisting the 2014 Mineral Extraction Zoning Ordinance amendment requiring \$5,000 per acre.

Hours of Operation:

The hours of operation are from 7 am to 7 pm Monday through Friday, and 7 am to 2 pm on Saturday. No work is done on Sundays.

Dust, Noise, & Odor Control:

Water and/or zinc chloride is used to control dust on the haul road. Noise and odor do not appear to be outside of what is typical for a permanent hot mix facility. The Applicant has two individuals designated to handle complaints for this location.

Reclamation Plan:

Reclamation of the facility is covered by New Ulm Quartzite Quarries end use plan, which shows the property being turned into a subdivision with a lake.

SURROUNDING LAND USE

The surrounding land use beyond the adjacent quarry is varied, with a subdivision to the north; the Minnesota River to the south and west; and other gravel pits to the east. The City of New Ulm is located a little under a mile to the west.

NEIGHBOR NOTIFICATION

Property owners were notified of the request per the standards of Section 505.3 of the Zoning Ordinance and Minnesota State Statute 394.26.

CRITERIA FOR GRANTING A CONDITIONAL USE PERMIT

- 1. Given the nature of the land, the requested use is compatible with the public health, safety, and general welfare.**
 - Mineral extraction, which includes hot mix plants, is a conditionally permitted use in the Conservancy and Limited Industry Zoning Districts.
 - The facility must follow all state and federal standards, including those from the Minnesota Pollution Control Agency.
 - The facility generally meets the Zoning Ordinance standards outlined in Sections 505, 603, 608, and 724.
- 2. The requested use will not create an unreasonably excessive burden on the existing roads or utilities.**
 - The facility has access to Highway 14, which can accommodate larger trucks and typical traffic generated from this location.

- The utility usage for this location does not appear to be unreasonable.
3. **The requested use is compatible with the surrounding area and will not significantly depreciate nearby properties.**
 - The facility is generally screened from the surrounding uses.
 - The facility must follow all federal, state, and local standards, including from the Minnesota Pollution Control Agency.
 - The Applicant has a procedure in place to handle and resolve complaints.
 - An end use plan is on file, and the Applicant will be required to restore the property when extraction operations cease.
 4. **The structure and the use shall have an appearance that will not have an unreasonably adverse effect on nearby properties.**
 - The facility is generally screened from the surrounding uses.
 - The use adheres to the applicable standards of Sections 724.5(3) and 724.5(16) of the Zoning Ordinance for the appearance and screening of mineral extraction facilities
 5. **The requested use is consistent with the Nicollet County Land Use Ordinances.**
 - The request meets the applicable standards and requirements found in Sections 505, 603, 608, and generally 724 of the Zoning Ordinance for mineral extraction conditional use permits.
 6. **The requested use is not in conflict with the Nicollet County Comprehensive Plan.**
 - The Comprehensive Plan states that the aggregate industry provides vital jobs for residents and revenue for local businesses.
 - The Comprehensive Plan states that Nicollet County will continue to work with aggregate businesses, such as this one, to ensure that these operations can continue in a sustainable and environmentally friendly manner.
 7. **The requested use will not create an unreasonably adverse effect because of noise, odor, glare, or general unsightliness, for nearby property owners.**

- The facility must follow all federal, state, and local standards, including from the Minnesota Pollution Control Agency.
- The use appears to comply with the standards of Sections 724.5(7), 724.5(9), and 724.5(13-14) of the Zoning Ordinance for dust control and air quality; hours of operation; noise and vibrations; and road dust and debris.

8. The requested use is reasonably related to the existing land use and environment.

- The request is a renewal and does not change the existing land use.
- Mineral extraction is a conditionally permitted use in the Conservancy and Limited Industry Zoning Districts.

9. There are no apparent unreasonable health risks posed to neighbors or the public in general.

- The proposal currently meets the applicable county and state standards for hot mix plants.
- The facility must continually comply with all federal, state, and local standards, including from the Minnesota Pollution Control Agency.

10. The requested use will/will not have an adverse effect upon public health, safety, and welfare due to the following other factors:

- The request is proposed to meet county standards, with no apparent adverse effects to the public health, safety, and welfare.

STAFF RECOMMENDATIONS

1. The Applicant undertakes the project according to the plans and specifications submitted to the county with the application.
2. The permit will be periodically reviewed by the county to ensure compliance with the permit and permit conditions.
3. The county may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
4. The hours of operation shall conform with Nicollet County Zoning Ordinance 724.5 (9).
5. The Applicant shall comply with Minnesota Rules 7030, as amended, governing noise.
6. The Applicant shall be required to maintain an Air Emission Permit from the Minnesota Pollution Control Agency.
7. Any change involving enlargement, intensification of use, or similar change not specifically permitted by this conditional use permit shall require an amended conditional use permit.
8. The Applicant shall use dust reducing techniques along 571st Lane during times of heavy traffic and dry conditions. This may include the watering of sections of the road in which trucks will travel or some other method that will minimize the dust generated from the increased truck traffic.
9. The Applicant shall maintain a bond for the area actively connected with the asphalt hot mix plant. Any increase in the number of acres actively connected with the asphalt hot mix plant will require an amended bond.
10. The conditional use permit for the asphalt hot mix plant must be reviewed on a three (3) year basis (renewal required in November 2026).

Applicant: Valley Asphalt Products / M.R. Paving
Landowner: New Ulm Quartzite Quarries

PLN23-23

ATTACHMENT A	Application
ATTACHMENT B	Submitted by Applicant
ATTACHMENT C	Location Map
ATTACHMENT D	Site Photographs
ATTACHMENT E	Neighbor Notification List
ATTACHMENT F	Public Comment
ATTACHMENT G	Criteria for Conditional Use Permit



PROPERTY SERVICES DIVISION
501 S MINNESOTA AVENUE, SAINT PETER, MN 56082
507-934-7070

PLANNING & ZONING ADVISORY COMMISSION APPLICATION

TOTAL FEES: \$496.00

Map#: 10-35-400-029
Parcel#: 04.035.1705
Permit#: PLN23-23
Date: 10/25/2023

Applicant: Adam Hoffmann- M.R. Paving
Telephone: 507-276-7410
Owner: New Ulm Quartzite Quarries
Property Address: 45755 571st Ave, New Ulm, MN 56073
Abbreviated Legal Description: NWSW 35-110-30
Township: Courtland Township
Zoning District(s): CONSERVANCY

Record Type: Conditional Use Permit
Subtype: Renewal
Category: Other
Description: Mineral Extraction 3 year renewal
G.C. Licence#: n/a
Job Cost: n/a

ATTACHMENT A
Application

PERMIT EXPIRATION DATE: 10/25/2024

Adam Hoffmann
Adam Hoffmann (Oct 25, 2023 14:03 CDT)

APPLICANT SIGNATURE

Oct 25, 2023

DATE

James Groulx

PROPERTY SERVICES

10/25/23

DATE

PLN23-23 App

Final Audit Report

2023-10-25

Created:	2023-10-25
By:	Spencer Crawford (Spencer.Crawford@co.nicollet.mn.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAAFvy39pQkZzQJvPyMAV__P32Y_JFK3Ryv

"PLN23-23 App" History

 Document created by Spencer Crawford (Spencer.Crawford@co.nicollet.mn.us)
2023-10-25 - 6:59:40 PM GMT

 Document emailed to Adam Hoffmann (adamh@mrpaving.com) for signature
2023-10-25 - 7:00:06 PM GMT

 Email viewed by Adam Hoffmann (adamh@mrpaving.com)
2023-10-25 - 7:00:33 PM GMT

 Document e-signed by Adam Hoffmann (adamh@mrpaving.com)
Signature Date: 2023-10-25 - 7:03:20 PM GMT - Time Source: server

 Agreement completed.
2023-10-25 - 7:03:20 PM GMT



Adobe Acrobat Sign

M.R.

PAVING & EXCAVATING, INC.

1000 North Front

P.O. Box 787

New Ulm, MN. 56073

Phone (507) 354-4171

Fax (507) 359-4156

Valley Asphalt Products

Sec 35-110-030

Parcel # 04.035.1705

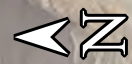
We propose to continue operations at Valley Asphalt Products located east of New Ulm off T.H. 14 and 571st Lane. The entrance would be located south of the intersection of T.H. 14 and 571st Lane about 1500 feet. Valley Asphalt Products produces asphalt materials to be used on state, county, and city projects in the area. On average, this plant produces and hauls out 1,000 tons of asphalt per day, 85,000 ton per year, and 255,000 ton in the last 3 years. The estimated number of trips per day to this facility is 75. The asphalt plant has a baghouse that collects dust during the hot mix operation. We use water and or zinc chloride for dust control on the plant roads. Operations at this plant begin in March and conclude in December. The hours of operation will be from 6:00am to 7:00pm Monday through Friday and 7:00am to 2:00pm on Saturdays. No work will be done on Sundays. We have signs located around the plant for safety precautions. Plant vehicles & equipment include payloaders, dozers, excavators, dump trucks, semis, water trucks, bins, asphalt drums, silos, oil tanks, baghouse, conveyors, and skid loaders. This plant sits on property owned by New Ulm Quartzite Quarries. There is no mining done on this property.

Any questions can be directed to Adam Hoffmann at 507-276-7410.

ATTACHMENT B
Submitted by Applicant



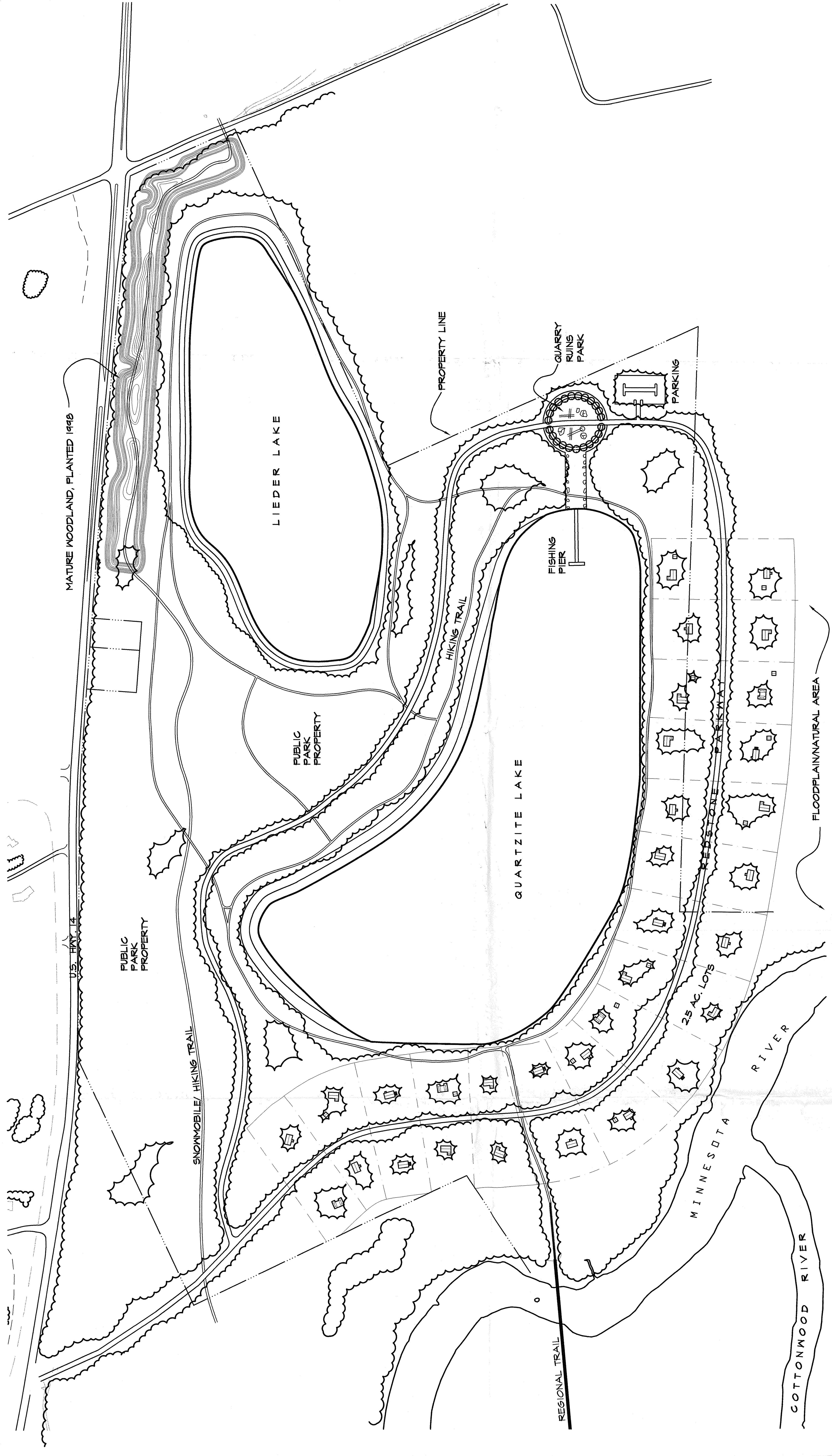
300 ft



Valley Asphalt Products



Google Earth

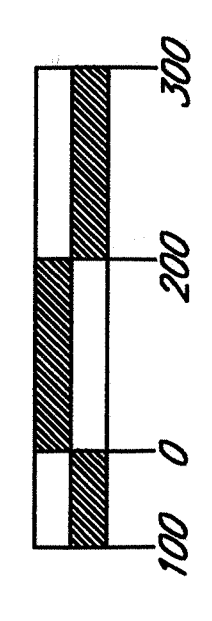
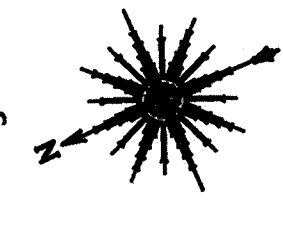


NEW ULM QUARTZITE QUARRIES

NEW ULM , MINNESOTA

RECLAMATION PLAN PROPOSED BEYOND YEAR 2075

The proposed expansion & development the N.U.Q. properties, as illustrated on this drawing sheet, is tentative and subject to revision in whole or in part.





United Fire & Casualty Company
Addison Insurance Company
Lafayette Insurance Company
United Fire & Indemnity Company
United Fire Loyds
Financial Pacific Insurance Company

CONTINUATION CERTIFICATE

BOND NO.: 55204665

PRINCIPAL: VALLEY ASPHALT PRODUCTS, INC. 2020 N SPRING ST PO BOX 787 NEW
ULM, MN 56073 - 2277

OBLIGEE: NICOLLET COUNTY 501 S MINNESOTA AVE SAINT PETER, MN 56082 - 2507

TYPE OF BOND: CONDITIONAL USE PERMIT - PRODUCTION OF HOT MIX ASPHALT IN
NICOLLET COUNTY

BOND PENALTY: 7,500.00

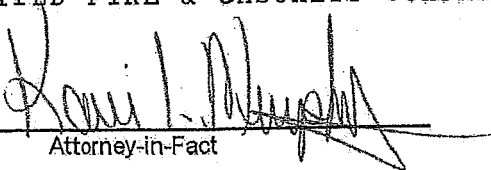
BOND TERM: From 04/09/2023 To 04/09/2024

The Company indicated hereby continues in force, for the period described, the Bond designated above, subject to all the agreements, limitations, and conditions thereof and provides that the liability under said bond and all continuations thereof shall not be cumulative and shall not in any event exceed the amount of said Bond herein before set forth.

Signed, Sealed and Dated 01/09/2023.

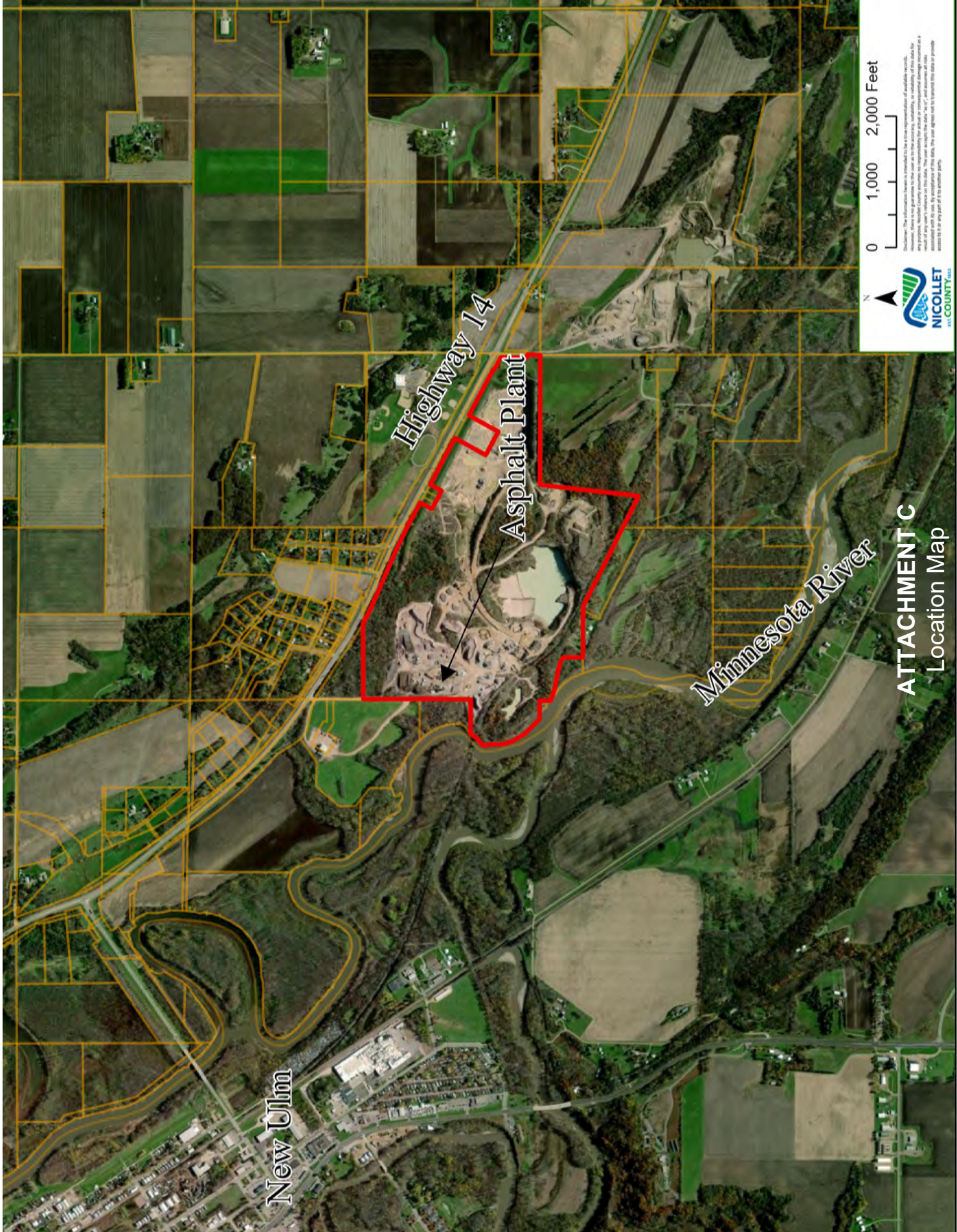
UNITED FIRE & CASUALTY COMPANY

By


Attorney-in-Fact

LICP0003 04 11

HOME OFFICE: 118 Second Avenue SE, PO Box 73909, Cedar Rapids, Iowa 52407-3909 Phone: 319-399-5700 or 800-343-9130 FAX: 888-726-9738



New Ulm

Highway 14

Asphalt Plant

Minnesota River

ATTACHMENT C
Location Map

0 1,000 2,000 Feet



Disclaimer: This information is provided to the user as a convenience only. It is not intended to be used as a basis for any legal action. The user assumes all risk for any use of this information. The user agrees not to transmit this data or provide access to it to any third party.



ATTACHMENT D
Site Photographs



DISPLAYNAME	MAILINGADDR	MAILINGCITYSTATEZIP
LEGARE DENNIS	46126 571ST LN	NEW ULM MN 56073
BRADLEY SHANE M & KERI R BRADLEY	45233 SUNRISE DR	NEW ULM MN 56073
LADE MARY D	56933 BROOKVIEW LN	NEW ULM MN 56073
BORTH RONALD J & SANDRA M BORTH	45184 EDGEWOOD DR	NEW ULM MN 56073
RAHE BRIAN D & JUDY M RAHE	45691 561ST AVE	NEW ULM MN 56073-9132
BODE MARCELLA J	45479 561ST AVE	NEW ULM MN 56073
BLUME HOWARD	305 W RIDGE RD	COURTLAND MN 56021
ESSER DANIEL M & SHEILA ESSER	56932 HILLCREST LN	NEW ULM MN 56073
CORDES WADE & VELEDA CORDES	56936 BROOKVIEW LN	NEW ULM MN 56073
HULKE SCOTT R & KATHY J HULKE	45274 SUNRISE DR	NEW ULM MN 56073
BRUNS GARY J SHIRLEY A BRUNS	57012 HILLCREST LN	NEW ULM MN 56073
LESKEY DELORES B	45165 EDGEWOOD DR	NEW ULM MN 56073
BERTRANG JEFFREY ERNEST & WENDY JANE BERTRANG	45493 JEREMY DR	NEW ULM MN 56073
FORBROOK CURTIS L & KRISTIN R FORBROOK	45261 JEREMY DR	NEW ULM MN 56073
LUDEWIG LEON M & MARY A LUDEWIG	45196 SUNRISE DR	NEW ULM MN 56073
GRATHWOHL NORMAN & LISA GRATHWOHL	56998 HILLCREST LN	NEW ULM MN 56073
ENTER JASON P & JODY M ENTER	57108 422ND ST	NEW ULM MN 56073-4321
DITTRICH DAVID A & PATRICE A DITTRICH	45508 JEREMY DR	NEW ULM MN 56073
ALBRECHT GLEN R & LAUREN G ALBRECHT	56929 HILLCREST LN	NEW ULM MN 56073
AREVALO JUAN P & SAN JUANA AREVALO	56963 HILLCREST LN	NEW ULM MN 56073
OHM RONALD C OHM & CARLOTTA L OHM	56947 HILLCREST LN	NEW ULM MN 56073
REWITZER RUTH ANN	55921 US HIGHWAY 14	NEW ULM MN 56073
GULDAN TIMOTHY J & BROOKE M GULDAN	46198 561ST AVE	NEW ULM MN 56073
MN DNR & REAL ESTATE MANAGEMENT	500 LAFAYETTE RD	SAINT PAUL MN 55155-4030
HIPSTER LLC	1220 SOUTH VALLEY ST	NEW ULM MN 56073
WAIBEL MARY J	45438 541ST ST	COURTLAND MN 56021
HEYMANN JOHN H	106 MONUMENT STREET	NEW ULM MN 56073
KLOECKL BRYCE A & TAYLOR C KLOECKL	45318 JEREMY DR	NEW ULM MN 56073
AREVALO JOSE G	45323 KOHN DR	NEW ULM MN 56073
STEVENSEN NICHOLAS J & CHELSEY N BODE	45402 JEREMY DR	NEW ULM MN 56073
MEHLHOP PATRICK	45272 JEREMY DR	NEW ULM MN 56073
HOFMANN MICHELLE R & MARCEL U HOFMANN	45228 SUNRISE DR	NEW ULM MN 56073
WATSON GARY C & LINDA C WATSON	56944 HILLCREST LN	NEW ULM MN 56073
NORDBY DENNIS & SHARON NORDBY	45201 SUNRISE DR	NEW ULM MN 56073
BERG JAMIE & GINA M BERG	45304 KOHN DR	NEW ULM MN 56073
WIDMARK AARON R & LEAH C	45309 JEREMY DR	NEW ULM MN 56073
ESSER DANIEL & SHEILA ESSER	56932 HILLCREST LN	NEW ULM MN 56073
MN VALLEY LUTH HIGH SCHOOL & ASSN	45638 561ST AVE	NEW ULM MN 56073
GREJTAK JOHN F & DIANE K GREJTAK	56923 HILLCREST LN	NEW ULM MN 56073
LUND DOUGLAS R & KATHLEEN K LUND	45541 JEREMY DR	NEW ULM MN 56073
ROLLOFF DAVID & CHRISTENE ROLLOFF	45452 JEREMY DR	NEW ULM MN 56073
NELSON STEVEN A & BETH J NELSON	45210 JEREMY DR	NEW ULM MN 56073
KALK JOSHUA B	45205 JEREMY DR	NEW ULM MN 56073
CITY OF NEW ULM	100 BROADWAY ST	NEW ULM, MN 56073
THOMAS & NANCY HAALA	722 GARDEN ST	NEW ULM, 56073
RAYMOND KUEHN	12142 SHAG RD	NEW ULM, MN 56073
Tim Harmening- Courtland Township	43370 541st Ave	Courtland, MN 56021

The residents of Shady Brook are concerned about the air quality created from the smoke that comes from the asphalt producing units in the quarry.

Sheila S. Esser

Printed Name

Sheila S. Esser

Signature

Dan Esser

Printed Name

Dan Esser

Signature

John Bradley

Printed Name

John Bradley

Signature

GARY WATSON

Printed Name

GARY WATSON

Signature

Scott Hulke

Printed Name

Scott Hulke

Signature

Patrick Nelson

Printed Name

Patrick Nelson

Signature

Grant Bode

Printed Name

Grant Bode

Signature

Lauren Albrecht

Printed Name

Lauren Albrecht

Signature

Cheryl Kraus

Printed Name

Cheryl Kraus

Signature

Brian Kraus

Printed Name

Brian Kraus

Signature

Trevor Hillestein

Printed Name

Trevor Hillestein

Signature

MARY LEECE

Printed Name

MARY LEECE

Signature

Shane Bradley

Printed Name

Shane Bradley

Signature

Keri Bradley

Printed Name

Keri Bradley

Signature

ATTACHMENT F

Public Comment

November 2023



The residents of Shady Brook are concerned about the air quality created from the smoke that comes from the asphalt producing units in the quarry.

Ronald Booth

Printed Name

Ronald Booth

Signature

Sandra Booth

Printed Name

Sandra Booth

Signature

DeLores Leskey

Printed Name

DeLores Leskey

Signature

Terry Thorson

Printed Name

Terry Thorson

Signature

Jim Arndt

Printed Name

James F. Arndt

Signature

Leonard Arndt

Printed Name

Leonard Arndt

Signature

Sharon Nordby

Printed Name

Sharon Nordby

Signature

Dennis Nordby

Printed Name

Dennis Nordby

Signature

Lucan Ludevig

Printed Name

Lucan Ludevig

Signature

David B. Flitter

Printed Name

David B. Flitter

Signature

Gary Bruns

Printed Name

Gary Bruns

Signature

Shirley Bruns

Printed Name

Shirley Bruns

Signature

Jamie Berg

Printed Name

Jamie Berg

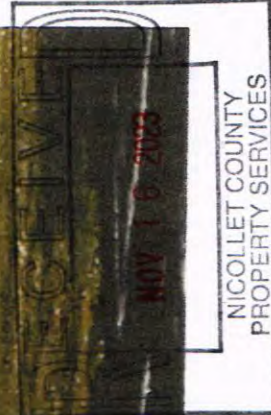
Signature

Ronald Ohm

Printed Name

Ronald Ohm

Signature



RECEIVED

NOV 16 2023

NICOLLET COUNTY
PROPERTY SERVICES

The residents of Shady Brook are concerned about the air quality created from the smoke that comes from the asphalt producing units in the quarry.



Jose Hernandez
Printed Name

Deb Hertling
Printed Name

John Hertling
Printed Name

Denise Sellner
Printed Name

Andrew Shorts
Printed Name

Victor Roepke
Printed Name

Mark Domier
Printed Name

Adam Whittington
Printed Name

Jose Hernandez
Signature

Deb Hertling
Signature

John Hertling
Signature

Denise Sellner
Signature

Andrew Shorts
Signature

Victor Roepke
Signature

Mark Domier
Signature

Adam Whittington
Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

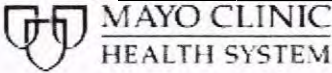
Printed Name

Signature

Printed Name

Signature

Letter by [REDACTED], P.A.-C. on 11/7/2023



507-625-4031
mayoclinichealthsystem.org

Mankato Hospital and Clinic
1025 Marsh St.
Mankato, MN 56001-4752

No Recipients

November 7, 2023
RE: [REDACTED]
[REDACTED]

Dear Mrs. [REDACTED]:

It was a pleasure to participate in your evaluation at Mayo Clinic for your underlying lung disease. Going forward, it is imperative to avoid any exposures to the lung which may aggravate symptoms, such as poor air quality.

If we can be of further assistance, please let us know.

Sincerely,

[REDACTED]
[REDACTED], P.A.-C.
Department of Pulmonary Medicine in Mankato, Minnesota
1025 MARSH ST
MANKATO MN 56001-4752
Dept: 507-594-6246

Communication Routing History

Recipient	Method	Sent by	Date Sent	Routed to
No recipients	Not selected	Not yet sent	Not yet sent	[REDACTED] [10068]
Letter from [REDACTED], P.A.-C. created on 11/7/2023				

Communications





PLANNING COMMISSION CRITERIA FOR GRANTING A CONDITIONAL USE PERMIT

Name of Applicant	Adam Hoffmann for Valley Asphalt Products	Hearing	November 20, 2023
Property Owner	New Ulm Quartzite Quarries	Continuation	December 18, 2023
File	PLN23-23	Commission Member	Choose an item.
Use Request	3-year Mineral Extraction Conditional Use Permit renewal		

FINDINGS OF FACT

Authority for issuance of conditional use permits is derived from Minnesota State Statute §394.301 and Nicollet County Zoning Ordinance, Section 505. The conditional use must maintain the health, safety, morals, and general welfare of the community.

1. Given the nature of the land, the requested use is compatible with public health, safety, and general welfare.

YES ☐ NO ☐ REASON: _____

2. The requested use will not create an unreasonably excessive burden on the existing roads or other utilities.

YES ☐ NO ☐ REASON: _____

3. The requested use is compatible with the surrounding area and will not significantly depreciate nearby properties.

YES ☐ NO ☐ REASON: _____

4. The structure and the use shall have an appearance that will not have an unreasonably adverse effect on nearby properties.

YES ☐ NO ☐ REASON: _____

ATTACHMENT G
Criteria for Conditional Use Permit

5. The requested use is consistent with the County Zoning Ordinance.

YES ☐ NO ☐ REASON: _____

6. The requested use is not in conflict with the County Comprehensive Plan.

YES ☐ NO ☐ REASON: _____

7. The requested use will not create an unreasonably adverse effect because of noise, odor, glare, or general unsightliness, for nearby property owners.

YES ☐ NO ☐ REASON: _____

8. The requested use is reasonably related to the existing land use and environment.

YES ☐ NO ☐ REASON: _____

9. There are no apparent unreasonable health risks posed to neighbors or the public in general.

YES ☐ NO ☐ REASON: _____

10. The requested use _____ have adverse effect upon public health, safety and welfare due to the following other factors.

WILL ☐ WILL NOT ☐ REASON: _____

THE NICOLLET COUNTY PLANNING COMMISSION

☐ RECOMMENDS APPROVAL OF THE REQUESTED USE

☐ RECOMMENDS DENIAL OF THE REQUESTED USE

THIS DECISION WAS BASED UPON

☐ Application

☐ Site visit

☐ Information received at public hearing

☐ Staff Report

☐ Pictures

SPECIAL CONDITIONS ARE LISTED ON THE RECORDED CONDITIONAL USE AND IN THE RECORD.

FACTS SUPPORTING THE ANSWER TO EACH QUESTION ABOVE ARE HEREBY CERTIFIED AS THE FINDINGS OF THE NICOLLET COUNTY PLANNING COMMISSION.

Date: _____ Commission Member: _____



CONDITIONAL USE PERMIT

FEEDLOT MODIFICATION

Trident Dairy

PLN23-24

**NICOLLET COUNTY
PLANNING & ZONING ADVISORY COMMISSION**

SUBJECT:	Conditional Use Permit PLN23-24
APPLICANT:	Lee Allex – Trident Dairy
LANDOWNER:	Dairy Wise Builders-MN III, LLC
LOCATION:	Southeast ¼ of the Northwest ¼ and Southern ½ of the Southwest ¼ of the Northwest ¼, Section 15-110-238 in Granby Township
PARCEL NO:	05.015.0400
EXISTING ZONING:	Agricultural Preservation Zoning District
HEARING DATE:	12/18/2023
COUNTY BOARD DATE:	01/02/2024
60 DAYS FROM REQUEST:	12/29/2023

REQUEST

The current request is to modify the conditional use permit (CUP) for the Granby Ranch to include cows as well as calves while maintaining 950.4 animal units (AUs).

SURROUNDING LAND USE

The surrounding land use is predominantly agricultural with row crops and a neighboring hog-oriented feedlot 145 feet to the east. The nearest dwelling is located the northeast at a distance of 3,065 feet. The second-nearest dwelling is located to the northwest at a distance of 3,768 feet.

PROJECT DESCRIPTION

Background:

In 2011, Davis Family Dairies, LLC received a CUP for a new feedlot with 4,320 dairy calves, equating to 864 AUs. In 2017, Davis Family Dairies received a variance to Ordinance 715.5, allowing four feedlots, including the High Island Dairy, the New Sweden Dairy, and the Northern Plains Dairy to exceed the maximum size of 3,000 animals by 10 percent in order to better accommodate population fluctuations and avoid culling. The Granby Calf Ranch was included in the group of four, increasing its maximum AUs from 864 to 950.4, allowing for 4,752 calves on site. The facility's National Pollutant Discharge Elimination System (NPDES) program permit with the Minnesota Pollution Control Agency (MPCA) was updated to reflect this higher number. In 2022, Granby Calf Ranch was sold to Dairy Wise Builders MN-III, LLC.

Operations:

The application seeks to change “calves” to “calves and cows” while also updating the conditional use permit to reflect the current allowed number of animal units under the 2017 variance. The current NPDES permit already specifies 950.4 AUs. The new permit would include 800 cows of less than 1,000 pounds while maintaining the option for 750 calves on site, for a maximum of 950 AUs.

The Applicant’s plan is to focus on housing pregnant cows before sending their calves to Texas to be raised in a milder climate to increase their health and longevity. The calf population would vary as needed and might not reach the maximum of 750 calves. Calves would be housed only in the southernmost two barns, which are set up as feeding areas. Other feeding areas in barns one through four would remain empty with cows housed at eastern and western ends. Bedding and housing would remain the same with all animals housed indoors on packed straw bedding. The Applicant is not proposing any structural changes.

CURRENT ANIMAL & ANIMAL UNITS (AUs)		
Animal Type	Number	AUs
Calves	4,752	950.4

PROPOSED ANIMAL & ANIMAL UNITS (AUs)		
Animal Type	Number	AUs
Cows <1,000 lbs.	800	800
Calves	750	150

Access:

Access to the property occurs via a driveway from MN 111 on the western side of the property. MnDOT does not have any concerns, since the modification will not result in increased traffic.

Dead Animal Disposal:

The property already includes a compost facility.

Manure Management Plan:

The Applicant is not proposing to alter their current Manure Management Plan (MMP) as the proposed modification will maintain animal units at the current level. The Applicant will continue to follow their approved MMP under the guidelines set forth in MPCA Rules, Chapter 7020.2225.

COUNTY STANDARDS

The property already meets structural requirements for a feedlot within the Agricultural Preservation Zoning District and the Applicant is not proposing structural changes.

SETBACKS			
Type	Required	Current	Proposed
Right-of-way	85'	1,085'	1,085'
Side (north)	20'	196'	196'
Side (south)	20'	126'	126'
Rear	20'	42'	42'
Ditch	100'	1,925'	1,925'
OFFSET 93% (dwellings & public areas)	1,483'	3,085'	3,085'
OFFSET 99% (Municipalities)	7,858'	23,745'	18,926'

OFFSET Calculation:

The existing permit covers six calf barns (58' x 952') with an odor emission number of four (4), and two solid manure sheds (80' x 560') with an odor emission number of four (4). This results in a 93% OFFSET of 1,659 feet, and a 99% OFFSET of 8,657 feet. However, the two southernmost barns were never built out to the maximum size. The new permit shifts remaining calves into these two smaller barns (58' x 312') and cows into eight reduced housing areas within the four larger barns (each 58' x 320'). This reduces the 93% OFFSET to 1,482 feet, and the 99% OFFSET to 7,858 feet. Manure sheds will remain unchanged. The modified permit allows the facility to continue meeting at the County's standard for a 93% annoyance-free odor rating as the nearest dwelling is 3,065 feet away.

MINNESOTA POLLUTION CONTROL AGENCY STANDARDS

The Applicant maintains a Minnesota Pollution Control Agency (MPCA) permit under the National Pollutant Discharge Elimination System (NPDES) program. It allows a maximum animal unit capacity of 950.4, and was last issued on February 21st, 2023.

NEIGHBOR NOTIFICATION

Property owners were notified of the proposal per the standards of Minnesota State Statute 394.26.

CRITERIA FOR GRANTING A CONDITIONAL USE PERMIT

1. Given the nature of the land, the requested use is compatible with the public health, safety, and general welfare.

- The proposal appears to meet Zoning Ordinance standards for feedlots in the Agricultural Preservation Zoning District.
 - The Applicant maintains an NPDES permit with the MPCA.
 - The proposed use modification is typical of feedlots within the County.
- 2. The requested use will not create an unreasonably excessive burden on the existing roads or utilities.**
- The Applicant is not proposing any new structures.
 - The modified permit should decrease traffic on State Highway 111, because the overall number of head will be smaller.
- 3. The requested use is compatible with the surrounding area and will not significantly depreciate nearby properties.**
- Under the modified permit, the property will continue to meet Zoning Ordinance standards, including OFFSET and setbacks.
 - The modified permit should decrease the required OFFSET of the property, because it reflects a smaller facility footprint than the original 2011 permit.
 - The predominant land use in the area is agricultural.
- 4. The structure and the use shall have an appearance that will not have an unreasonably adverse effect on nearby properties.**
- The modified permit will maintain the current appearance of the property as it does not proposal any new structures.
 - The predominant land use in the area is agricultural.
- 5. The requested use is consistent with the Nicollet County Land Use Ordinances.**
- The modified permit will continue to meet the standards of the Zoning Ordinance for feedlots in the Agricultural Preservation Zoning District.
- 6. The requested use is not in conflict with the Nicollet County Comprehensive Plan.**

- The Comprehensive Plan states that feedlots are a permitted and regulated use within the Agricultural Preservation Zoning District.

7. The requested use will not create an unreasonably adverse effect because of noise, odor, glare, or general unsightliness, for nearby property owners.

- The modified permit will continue to meet the applicable County and State standards for manure handling and management.
- The modified permit will continue to meet required OFFSET setback to dwellings, public areas, and municipalities.
- The modified permit reflects a reduced OFFSET requirement as the current usage fits within a smaller footprint than the 2011 proposal.

8. The requested use is reasonably related to the existing land use and environment.

- The existing use and primary surrounding use is agricultural.

9. There are no apparent unreasonable health risks posed to neighbors or the public in general.

- The modified permit will continue to meet the standards of the Zoning Ordinance for feedlots within the Agricultural Preservation Zoning District.
- The Applicant maintains an NPDES permit with the MPCA.
- The facility will continue meet the applicable County and State standards for manure handling and management.

10. The requested use will/will not have an adverse effect upon public health, safety, and welfare due to the following other factors:

- The permit modification does not substantially alter the feedlot, which is already typical of feedlots within the County and applies with applicable regulations, including OFFSET.

STAFF RECOMMENDATIONS

1. The Applicant will continue operations according to the plans and specifications submitted to the County with the application.

2. The Conditional Use Permit will be periodically reviewed by the County to assure compliance with the permit and permit conditions.
3. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the permit conditions and all other applicable statutes, rules, and ordinances.
4. The Applicant will maintain at or below 950.4 animal units (AUs).
5. The feedlot must continually meet the 93% OFFSET Annoyance-Free Odor Rating for the duration of the operation.
6. Manure when transported should comply with Minnesota Administrative Rule 7020.2010.
7. The Applicant will maintain and follow their approved Manure Management Plan under the guidelines set forth in MPCA Rules, Chapter 7020.2225.
8. Dead animals must be disposed of in accordance with the Board of Animal Health regulations.

Applicant: Lee Allex – Trident Dairy
Landowner: Dairy Wise Builders-MN III, LLC

PLN23-24

ATTACHMENT A	Application
ATTACHMENT B	Submitted by Applicant
ATTACHMENT C	Aerial Map
ATTACHMENT D	Location Map
ATTACHMENT E	Original Site Plan
ATTACHMENT F	Site Photographs
ATTACHMENT G	OFFSET Map
ATTACHMENT H	OFFSET Calculations
ATTACHMENT I	NPDES Permit
ATTACHMENT J	Neighbor Notification List
ATTACHMENT K	Criteria for Conditional Use Permit



PROPERTY SERVICES DIVISION
501 S MINNESOTA AVENUE, SAINT PETER, MN 56082
507-934-7070

PLANNING & ZONING ADVISORY COMMISSION APPLICATION

TOTAL FEES: \$496.00

Map#: 12-15-100-004
Parcel#: 05.015.0400
Permit#: PLN23-24
Date: 10/30/2023

Applicant: Lee Alex- Trident Dairy
Telephone: 507-246-4008
Owner: Dairy Wise Builders MN III LLC
Property Address: 42373 State Highway 111
Abbreviated Legal Description: SENW 15-110-28
Township: Granby Township
Zoning District(s): AGRICULTURAL

Record Type: Conditional Use Permit
Subtype: Alteration
Category: AG Animal Storage Building
Description: Feedlot CUP Amendment
G.C. Licence#: n/a
Job Cost: n/a

Lee Alex
Lee Alex (Oct 30, 2023 11:26 CDT)
APPLICANT SIGNATURE

Oct 30, 2023
DATE

James Groulx
PROPERTY SERVICES

10/30/23
DATE

ATTACHMENT A
Application

PLN23-24 App

Final Audit Report

2023-10-30

Created:	2023-10-30
By:	Spencer Crawford (Spencer.Crawford@co.nicollet.mn.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAAMr72rSYQKPmkCO5RXO8OMC2_9ILAzpJ-

"PLN23-24 App" History

 Document created by Spencer Crawford (Spencer.Crawford@co.nicollet.mn.us)
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 Document emailed to lee@tridentdairy.com for signature
2023-10-30 - 4:06:16 PM GMT

 Email viewed by lee@tridentdairy.com
2023-10-30 - 4:06:27 PM GMT

 Signer lee@tridentdairy.com entered name at signing as Lee Alex
2023-10-30 - 4:26:18 PM GMT

 Document e-signed by Lee Alex (lee@tridentdairy.com)
Signature Date: 2023-10-30 - 4:26:20 PM GMT - Time Source: server

 Agreement completed.
2023-10-30 - 4:26:20 PM GMT



Adobe Acrobat Sign



CONDITIONAL USE PERMIT APPLICANT QUESTIONNAIRE PROJECT DESCRIPTION

APPLICANT NAME: Granby Ranch DATE: 10/26/2023
REQUEST: Modify Permit to include mature cows, same animal units

Please describe the specific details related to your request. If your request is approved, you will be held to the plans and specifications submitted to the County with your application.

Granby Calf Ranch is requesting a modification of the animal type housed at Granby Ranch. The original permit with the county states "calves". We are requesting this modified to state "calves and cows". Originally the NPDES Permit was for 4752 calves on the site. This equals 950.4 animal units per NPDES permit. This is how the site was permitted in 2022 upon renewal. Due to difficulties with raising young Jersey replacement calves in our northern climate we have made the decision to send our youngstock down to Texas to allow a better climate for health and longevity of our animals. Given this change we would like to use Granby Ranch to house some larger animals while pregnant. The modification was sent to MPCA already. The new permit will remain at 950 animal units. The permit will now be for 800 <1000 lb animals. This is figured at 800 (1 unit per cow) animal units per our NPDES permit. The new permit will also still keep the potential of up to 750 calves on site. This is figured at 150 animal units (.2 units per calf). Combining the combination of cows <1000 lbs and calves would still keep the total animal units of Granby Ranch at 950. The practices of bedding and housing would remain the same. All animals would continue to be housed indoors in bedded pack (straw) bedding.

ATTACHMENT B
Submitted by Applicant



CONDITIONAL USE PERMIT APPLICANT QUESTIONNAIRE

APPLICANT NAME: Granby Ranch DATE: 10/26/2023
REQUEST: Modify Permit to include mature cows, same animal units

In granting a conditional use permit, the County Board shall consider the advice and recommendation of the Planning Commission and the effect of the proposed use upon the health, safety, morals, and general welfare of the community. Among other things, the County Board shall make the following findings where applicable.

WHY DO YOU FEEL THE REQUESTS MEETS THE FOLLOWING CRITERIA?

1. Given the nature of the land, the requested use is compatible with public health, safety, and general welfare.

Yes, animals will remain on bedded pack contained in barns. The bedded pack will be composted on site.

2. The requested use will not create an unreasonably excessive burden on the existing roads or other utilities.

No, fewer total animals will be housed on site reducing total loads in and out of the facility.

3. The requested use is compatible with the surrounding area and will not significantly depreciate nearby properties.

It should not affect neighboring land owners in any way.

4. The structure and use shall have an appearance that will not have an unreasonably adverse effect on nearby properties.

The structures will not be modified in any way to allow this change.

5. The requested use is consistent with the County Zoning Ordinance.

Correct

6. The requested use is not in conflict with the Comprehensive Plan.

Correct

7. The requested use will not create an unreasonably adverse effect because of noise, odor, glare, or general unsightliness, for nearby property owners.

Correct, processes will remain the same as they did with calves.

8. The requested use is reasonably related to the existing land use and environment.

Correct

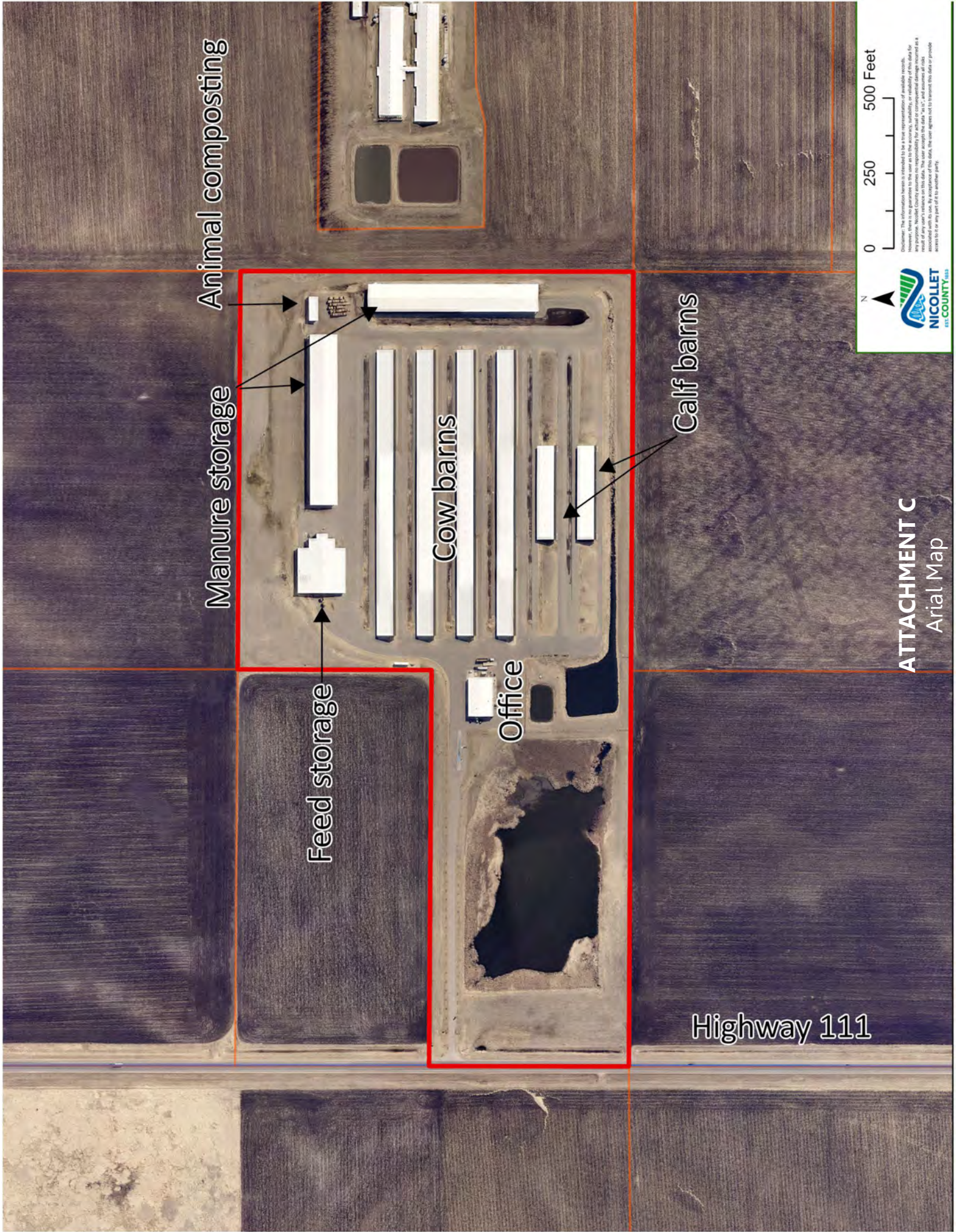
9. There are no apparent unreasonable health risks posed to neighbors or the public in general.

None

10. The requested use will/will not have an adverse effect upon public health, safety, and welfare due to the following other factors.

None

A MAJORITY OF THE CUP CRITERIA MUST BE MET IN ORDER FOR THE REQUEST TO BE APPROVED.



ATTACHMENT C

Arial Map

NICOLLET
COUNTY
MN

Disclaimer: The information herein is intended to be a true representation of available records. It is not intended to be a warranty or guarantee of accuracy. The user assumes all responsibility for any use of the information herein. The user agrees not to transmit this data or provide access to it or any part of it to another party.

Fort Road

Granby Ranch

Highway 111

0 1,500 3,000 Feet

N

ATTACHMENT D

Location Map



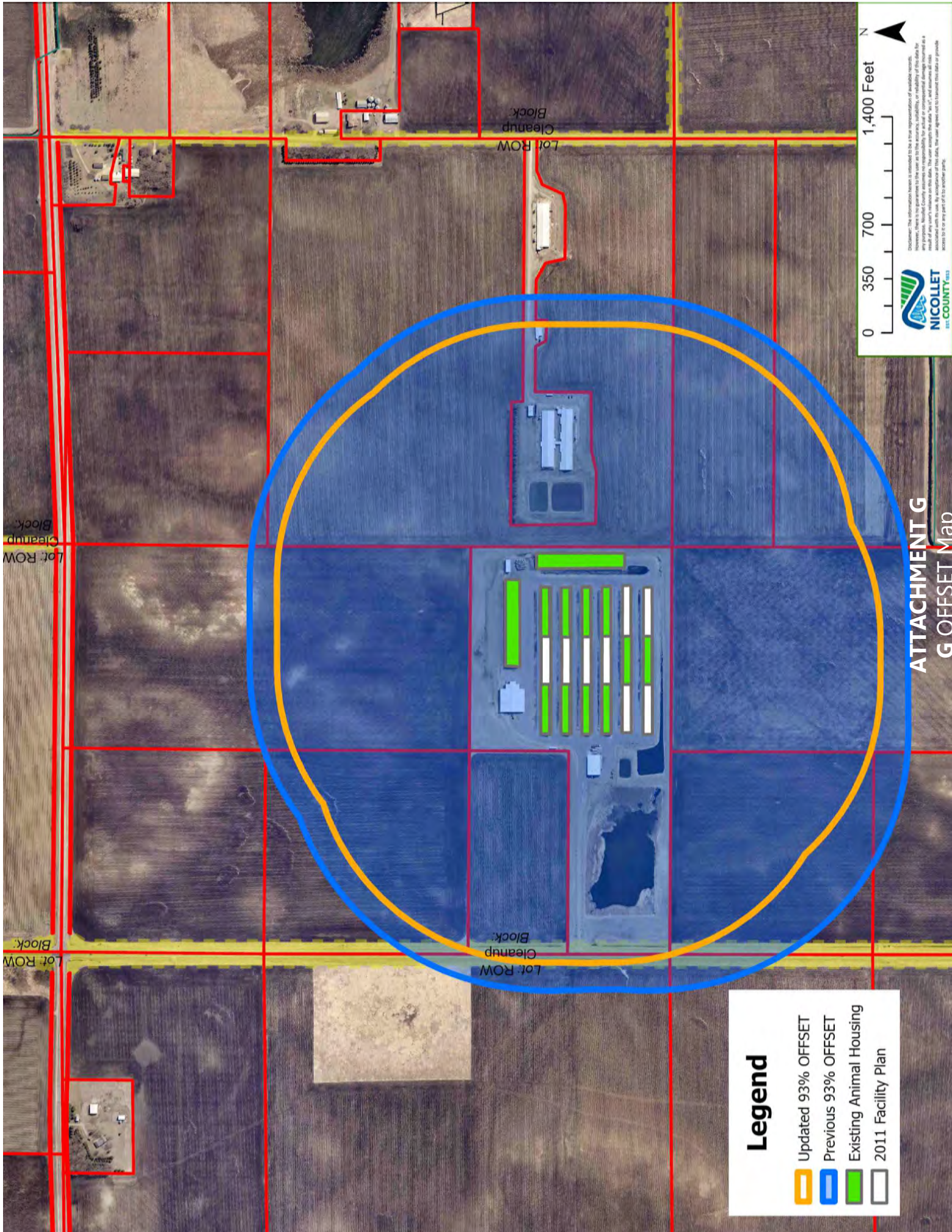
Disclaimer: The information herein is intended to be a true representation of available records. However, there is no guarantee to the user as to the accuracy, suitability, or reliability of this data for any purpose. The user acknowledges that the data is provided "as is" and that the user assumes all risk associated with its use. By acceptance of this data, the user agrees not to transmit this data or provide access to it or any part of it to another party.



ATTACHMENT F
Site Photographs







0 350 700 1,400 Feet

N

NICOLLET
COUNTY

Disclaimer: The information herein is intended to be a true representation of available records. However, there is no guarantee to the user as to the accuracy, reliability, or validity of this data for any purpose. The user assumes the responsibility for the use of this data and any errors or omissions, in whole or in part, are the responsibility of the user. The user agrees not to transmit this data or provide access to it to any third party.

ATTACHMENT G

G OFFSET Map

Legend

- Updated 93% OFFSET
- Previous 93% OFFSET
- Existing Animal Housing
- 2011 Facility Plan

MNG441167
12-15-100-004
Dairy calves 950.4 AU

Odor From Feedlots Setback Estimation Tool (OFFSET)

	width (ft)	length (ft)	# of source	Odor emission #	Odor control factor	Odor emission factor
Source 1	58	952	6	4	1	132.52
Source 2	80	560	2	4	1	35.84
Source 3						
Source 4						
Source 5						
Source 6						
Source 7						
Total odor emission factor						168.36

Distance to nearest non accessory dwelling

Annoyance free lev	Setbacks (feet)	Setbacks (mile)
99%	8657.40	1.64
98%	5239.87	0.99
97%	3350.47	0.63
96%	2555.41	0.48
94%	1831.89	0.35
93%	1658.77	0.31
91%	1322.72	0.25

Note: Frequencies 99%, 98%, 97%, 95%, 93% are equivalent to 7,14,22, 36, 50 hrs. /mo, respectively

MNG441167
12-15-100-004
Dairy calves 950.4 AU

Odor From Feedlots Setback Estimation Tool (OFFSET)

	width (ft)	length (ft)	# of source	Odor emission #	Odor control factor	Odor emission factor
Source 1	58	312	2	4	1	14.48
Source 2	80	560	2	4	1	35.84
Source 3	58	320	8	6	1	89.09
Source 4						
Source 5						
Source 6						
Source 7						
Total odor emission factor						139.40

Distance to nearest non accessory dwelling

Annoyance free lev	Setbacks (feet)	Setbacks (mile)
99%	7858.27	1.49
98%	4735.25	0.90
97%	3026.03	0.57
96%	2288.58	0.43
94%	1641.13	0.31
93%	1482.73	0.28
91%	1175.25	0.22

Note: Frequencies 99%, 98%, 97%, 95%, 93% are equivalent to 7,14,22, 36, 50 hrs. /mo, respectively

**AUTHORIZATION TO CONSTRUCT AND OPERATE
A CONCENTRATED ANIMAL FEEDING OPERATION
UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PROGRAM
MNG441167**

Permittee: Trident Dairy Holdings, LLC
Facility name: Granby Calf Ranch, LLC
Address: 42373 State Hwy 111
Nicollet, MN 56074
Registration number: 103-116552
Maximum AU capacity: 950.4
Issuance date: February 21, 2023
Expiration date: January 31, 2026

The state of Minnesota, on behalf of its citizens through the Minnesota Pollution Control Agency (MPCA), authorizes the Permittee named above seeking coverage under this general permit to construct and operate a concentrated animal feeding operation in accordance with the requirements of this permit.

The goal of this permit is to reduce pollutant levels in point source discharges and protect water quality in accordance with the U.S. Clean Water Act, Minnesota statutes and rules, and federal laws and regulations.

This coverage is effective on the issuance date identified above. This permit expires at midnight on the expiration date identified above.

Signature: *Steven Schmidt*

This document has been electronically signed.

Steven Schmidt
Supervisor
East Feedlot Unit
Watershed Division

for the Minnesota Pollution Control Agency

Permit application & annual reports:

Refer to the submittal process outlined on the Animal Feedlot NPDES General Permit webpage at:
<https://www.pca.state.mn.us/business-with-us/npdes-and-sds-feedlot-permits>.

Questions on this permit?

If you have any questions, please contact the MPCA feedlot program staff person assigned to Nicollet County. Current MPCA staff contacts are identified on our website at:
<https://www.pca.state.mn.us/business-with-us/feedlots>.

ATTACHMENT I
NPDES Permit

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1. Authorized facility components

Site description	Component description	Status	Type	Length (ft)	Width (ft)	Depth (ft)	Capacity	Units	Animal type and head
Granby Calf Ranch, LLC	Mortality Composting Building	Active / Existing	Compost Area with Manure Medium	40	61		2440	square feet	
Granby Calf Ranch, LLC	Feed Center	Active / Existing	Feed Storage Area	121	140		16940	square feet	
Granby Calf Ranch, LLC	Truck Washout Water Storage	Active / Existing	LMSA - Earthen	100	100	14	340000	gallons	
Granby Calf Ranch, LLC	East Bedded Pack Manure Storage	Active / Existing	Stockpile-Permanent	80	560		44800	square feet	
Granby Calf Ranch, LLC	North Bedded Pack Manure Storage	Active / Existing	Stockpile-Permanent	80	560		44800	square feet	
Granby Calf Ranch, LLC	Barn 1	Active / Existing	Total Confinement Barn	58	952				Dairy Cattle - Calf 792
Granby Calf Ranch, LLC	Barn 2	Active / Existing	Total Confinement Barn	58	952				Dairy Cattle - Calf 792
Granby Calf Ranch, LLC	Barn 3	Active / Existing	Total Confinement Barn	58	952				Dairy Cattle - Calf 792
Granby Calf Ranch, LLC	Barn 4	Active / Existing	Total Confinement Barn	58	952				Dairy Cattle - Calf 792
Granby Calf Ranch, LLC	Barn 5	Active / Existing	Total Confinement Barn	58	952				Dairy Cattle - Calf 792
Granby Calf Ranch, LLC	Barn 6	Active / Existing	Total Confinement Barn	58	952				Dairy Cattle - Calf 792

2. Permit requirements

1.1	Permit Coverage. [Minn. R. 7020]
1.2	Upon the date of receiving notification of coverage under this Permit from the MPCA, the Permittee is authorized to construct and operate the facility according to the submitted and MPCA-approved permit application materials (application materials) and in compliance with the requirements of this Permit, all requirements of Minn. R. ch. 7020, and any other applicable state and federal rules and regulations. No condition of this Permit shall release the Permittee from any responsibility or requirements under other federal, state, tribal, or local statutes, rules, or regulations. The application materials are an enforceable part of this Permit. [Minn. R. 7001.0150]
1.3	If at any point the MPCA determines that the application materials are deficient, the Permittee shall submit an amendment within 45 days of being notified by the MPCA. Upon receipt of MPCA approval, the amended application materials shall become an enforceable part of this Permit. The Permittee shall comply with the most recently MPCA-approved application materials. [Minn. R. 7001.0150]
1.4	After notice and opportunity for a hearing, this Permit may be modified, suspended, or revoked in accordance with Minn. R. 7001.0170 through 7001.0190. The Permittee shall comply with the terms and conditions of this Permit until such action is finalized. [Minn. R. 7001]
1.5	In order to maintain continuous permit coverage, the Permittee shall submit an application for permit reissuance : Due by 180 days prior to permit expiration. If the Permittee has provided a timely application for issuance of coverage under the new general animal feedlot NPDES permit, the Permittee may continue to conduct the activities authorized by this Permit, in compliance with the requirements of this Permit, until the MPCA takes final action on the application, unless the MPCA determines that any of the following are true: a) The Permittee is not in substantial compliance with the requirements of this Permit, nor with a stipulation agreement or compliance schedule designed to bring the Permittee into compliance with this Permit; b) The MPCA, as a result of an action or failure to act by the Permittee, has been unable to take final action on the application on or before the permit expiration date; or c) The Permittee has submitted an application with major deficiencies or has failed to properly supplement the application in a timely manner after being informed of deficiencies. [Minn. R. 7001.0160, Minn. R. 7020.0505]
1.6	In order to terminate coverage under this Permit, the Permittee shall submit a termination request to the MPCA at least 30 days in advance of the desired permit coverage termination date. If the MPCA determines that NPDES permit coverage is not required, coverage under this Permit will terminate upon receiving written approval from the MPCA. The Permittee shall comply with the terms and conditions of this Permit until the termination action is finalized. [Minn. R. 7001.0040]
2.1	Permit Modifications. [Minn. R. 7020]
2.2	The Permittee shall submit a permit application prior to all modifications. (Guidance pertaining to modifications can be found in the MPCA factsheet " <i>Modification of NPDES and SDS Feedlot Permits (wq-f3-49)</i> "). [Minn. R. 7020.0405]
2.3	The permit application should be submitted at least 180 days before the planned starting date of the modification. [Minn. R. 7020.0505]
2.4	The modification for which the permit application was submitted shall not begin until approval is received from the MPCA. [Minn. R. 7020.0405]
2.5	Prior to a change in ownership or control of the facility, a change of ownership request must be submitted to assign coverage under this Permit to the new owner/operator. If ownership or control changes without an assignment of coverage under this Permit, the original Permittee may still be held liable for violations and the new owner/operator may be held liable for operating without a permit. If modifications to the facility or changes to the application materials will also occur, the process for permit modifications described above must also be followed. [Minn. R. 7020.0405]
2.6	Prior to changes in facility name, the Permittee shall submit a change of name request and the MPCA shall issue a permit modification reflecting the new name. [Minn. R. 7020.0405]
3.1	Submittals and Notifications to the MPCA. [Minn. R. 7020]
3.2	The Permittee shall submit all notifications, reports, applications, modification requests, correspondence, and other permit related materials to the MPCA on a specified form and/or in a specified format, including instances when the MPCA requires electronic submission. All submittals shall be to the MPCA address, telephone number, or electronic mail address indicated with the notice of coverage under this Permit. [Minn. R. 7001.0150]

3.3	All reports required by this Permit and other information requested by the MPCA shall be signed and certified by the Permittee or by a duly authorized representative. A person is a duly authorized representative only if: a) The authorization is made in writing by the Permittee or owner(s) and submitted to the MPCA; and b) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility. [Minn. R. 7001.0150]
3.4	The Permittee shall not knowingly make a false or misleading statement, representation, or certification in a record, report, plan, or other document required to be submitted to the MPCA by this Permit. The Permittee shall immediately upon discovery report to the MPCA an error or omission in these records, reports, plans, or other documents. [Minn. R. 7001.0150]
4.1	Manure Nutrient Testing. [Minn. R. 7020]
4.2	The Permittee shall sample and analyze manure for nutrient content annually. Manure shall also be sampled following any changes to conditions that may significantly affect the nutrient content. [40 CFR 412.4, Minn. R. 7020.2225]
4.3	The Permittee's manure sampling protocol shall be consistent with the most recent published MES recommendations. Manure samples must be taken from enough sources so that nutrient content is known for each storage area with differing types of animals, feed, watering systems, manure handling, or other variables that may affect manure nutrient content. [Minn. R. 7020.2225]
5.1	Transfer of Manure Ownership. [Minn. R. 7020]
5.2	The Permittee is responsible for management of manure from the facility unless it is transferred to another party for land application on fields that are not owned or leased or otherwise controlled by the Permittee. At the time the other party assumes physical control of the manure, the manure ownership is considered to be transferred. The Permittee is responsible for manure hauled by, or for, the Permittee until it is physically relinquished to the other person. [Minn. R. 7001.0150]
5.3	Except for emergency manure application, the Permittee is prohibited from transferring ownership of manure to a recipient that will: a) perform winter application of the transferred liquid manure; or b) perform winter application during the months of March of the transferred solid manure. [Minn. R. 7001.0150]
5.4	The Permittee shall provide to the recipient of the manure, at the time of transfer of ownership, Attachment A of the MPCA form "<i>Manure Management Plan Requirements when Ownership of Manure is Transferred (wq-f8-12)</i>". Attachment A is a summary of state requirements that a recipient of manure must follow. [Minn. R. 7001.0150]
5.5	Updates to a transferred ownership manure management plan do not require a modification of this Permit so long as they are consistent with the requirements of Minn. R. 7020.2225. [Minn. R. 7001.0190]
5.6	The Permittee is required to apply for a permit modification when the Permittee obtains control over land application acres that were previously controlled by a third party. [Minn. R. 7020.0405]
6.1	Requirements for Operation and Maintenance of the Facility. [Minn. R. 7020]
6.2	For any facility meeting the definition of New Source, the Permittee shall ensure that the production area is designed, constructed, operated, and maintained to contain all manure, manure-contaminated runoff, or process wastewater, and all direct precipitation. [40 CFR 412, Minn. R. 7020.2003]
6.3	For any facility the does not meet the definition of New Source, the Permittee shall ensure that the production area is designed, constructed, operated, and maintained to contain all manure, manure-contaminated runoff, or process wastewater, and the direct precipitation from a 25-year, 24-hour storm event as defined by the Precipitation - Frequency Atlas of the United States, National Oceanic and Atmospheric Administration. [40 CFR 412, Minn. R. 7020.2003]
6.4	The Permittee shall operate and maintain the facility in accordance with the application materials, all MPCA approved plans and specifications, and the requirements of this Permit. Approved plans and specifications include any proposed plans and specifications submitted with the current application for permit coverage and any plans and specifications for an existing facility component that have been previously approved by the MPCA. [Minn. R. 7001.0150]
6.5	The Permittee shall operate and maintain any required facility monitoring equipment in accordance with the MPCA approved monitoring plan. [Minn. R. 7001.0150]

6.6	The Permittee is prohibited from discharging, depositing, or otherwise placing any substance into a manure storage area(s) except manure, process wastewater, manure-contaminated runoff, or direct precipitation unless expressly authorized in writing by the MPCA. [Minn. R. 7001.0150]
6.7	The Permittee shall ensure areas around any manure storage area are graded so that surface water drains away from the structures such that pooling of rain or snow melt waters around the immediate vicinity of these structures is prevented. [Minn. R. 7001.0150]
6.8	The Permittee shall manage animal mortalities in accordance with all applicable requirements of the Board of Animal Health (Minn. R. ch. 1721) and the approved emergency response plan. [Minn. R. 7001.0150]
6.9	The Permittee is prohibited from discharging from the animal mortality area to surface or ground waters of the state, or disposing of animal mortalities within any manure storage area. [40 CFR 122.42, Minn. R. 7001.0150]
6.10	When manure is used as compost medium for an animal mortality composting area, the requirements of Minn. R. 7020.2125 for manure stockpiles shall apply. [Minn. R. 7020]
6.11	The Permittee is exempt from ambient air quality standards during agitation and removal of manure from the facility if the Permittee has notified the MPCA in writing prior to commencement of the agitation and removal of manure. The written notification shall be via letter or electronic mail and must include the following: a) The names of the owners or the legal name of the facility; b) The location of the facility by county, township, section, and quarter section; c) The facility's feedlot registration number; and d) The anticipated start date and the anticipated number of days of removal of manure. The maximum cumulative exemption days claimed by the Permittee shall not exceed 21 days per calendar year. [Minn. R. 7020.2002]
6.12	For temporary closure of a facility component, the Permittee shall, within one year of ceasing operation of the component, remove all manure from the component. The Permittee shall maintain permit coverage for the facility, including the temporarily closed component. [Minn. R. 7001.0150]
6.13	The Permittee may establish a short-term manure stockpile at the facility in conjunction with manure pack removal activities from animal holding areas without the need to modify coverage under this Permit, provided the manure is stockpiled for fewer than 10 consecutive days, and no more than 6 times per calendar year. This does not release the Permittee from compliance with the effluent limitations of this Permit. [Minn. R. 7001.0150]
7.1	Additional Requirements for Operation and Maintenance of Liquid Manure Storage Areas (LMSA). [Minn. R. 7020]
7.2	The Permittee shall maintain a fence around the perimeter of any at-grade or near-grade LMSA. [Minn. R. 7001.0150]
7.3	The Permittee shall operate the LMSA to maintain the freeboard of the LMSA as indicated in the approved plans and specifications or Minn. R. 7020.2100, subp. 4, item D, whichever is greater. [Minn. R. 7020.2100]
7.4	For open-air LMSAs the Permittee shall install and maintain a visual marker that clearly indicates the freeboard of the LMSA. For covered LMSAs, including those that are below a barn, the Permittee shall develop and employ a system to measure and monitor the liquid level in the LMSA such that the freeboard of the LMSA is maintained. [40 CFR 412.37]
7.5	The Permittee shall notify the MPCA staff, via telephone or electronic mail, within 24 hours of encroachment into the freeboard of the LMSA. The notification must include the approximate depth of storage space remaining, an estimated timeline for manure or process wastewater removal from the LMSA, and the date when the freeboard encroachment began. Notification under this part does not release the Permittee from the obligation to maintain the freeboard of a LMSA. [Minn. R. 7001.0150]
7.6	For anaerobic digesters, the Permittee shall notify the MPCA via telephone or electronic mail within three business days whenever manure must circumvent the anaerobic digester and be deposited into a LMSA that does not have an impermeable cover. The notification must include the reasons for the interruption of service as well as the start and anticipated end date. This does not release the Permittee from the state ambient air quality standards for hydrogen sulfide. [Minn. R. 7001.0150]

7.7	When a LMSA undergoes temporary closure, the Permittee shall comply with the following: a) Maintain, at a minimum, a two-foot depth of manure and/or water in a LMSA to provide protection from damage caused by freezing temperatures; b) Maintain the LMSA in accordance with the MPCA approved plans and specifications and the requirements of this Permit, including maintenance of the required freeboard; and c) Prior to using any LMSA that has been unused for three years or more, a professional engineer must evaluate and prepare a report on the condition of the liner. The MPCA must review and approve the report prior to using the LMSA. [Minn. R. 7001.0150]
8.1	Additional Requirements for Operation and Maintenance of Permanent Solid Manure Stockpiles. [Minn. R. 7020]
8.2	The Permittee shall repair any damage to a stockpile pad that compromises the integrity or thickness of the pad within 60 days of discovery. This includes any ruts made by vehicles in excess of six inches in depth within a cohesive soil pad. [Minn. R. 7020.2125]
8.3	The Permittee shall operate and maintain the runoff controls for the permanent manure stockpile such that all liquids produced, including leachate and contaminated runoff, are captured by a control structure. [Minn. R. 7020.2125]
8.4	A manure compost site is also a manure stockpile. The Permittee shall comply with all requirements applicable to manure stockpiles. [Minn. R. 7020.2150]
9.1	Additional Requirements for Operation and Maintenance of Feed Storage Areas. [Minn. R. 7020]
9.2	The Permittee shall not store manure on a feed storage area pad unless part of the MPCA approved design. [Minn. R. 7001.0150]
9.3	The Permittee shall repair any damage to a feed storage pad that compromises the integrity or thickness of the pad within 60 days of discovery. This includes any ruts made by vehicles in excess of six inches in depth within a cohesive soil pad. [Minn. R. 7001.0150]
9.4	The Permittee shall operate and maintain feed storage areas such that all liquids produced, including leachate and contaminated runoff, are captured by a MPCA approved control structure or LMSA. [Minn. R. 7001.0150]
9.5	When leachate and feed storage area runoff is managed with a vegetated infiltration basin, the Permittee shall perform the following operation and maintenance activities: a) Clean out and repair structures that contain and convey contaminated liquids on an annual basis; b) Remove accumulated solids from solids settling areas when the depth of solids exceeds one foot; c) Repair channel/rill erosion; d) Re-establish vegetation that has been damaged or destroyed; and e) Harvest vegetation at least two times per year. The preferred method of harvesting is by mechanical means; however, grazing by animals can be utilized provided it is limited to no more than three grazing periods per year, with each grazing period lasting no more than five days. When 1,000 or more tons of sweet corn silage is stored at the facility, the Permittee is prohibited from using a vegetated infiltration basin as a leachate and contaminated runoff control structure. [Minn. R. 7001.0150]
10.1	Required Facility Inspections. [Minn. R. 7020]
10.2	The Permittee shall make the following inspections: a) A daily inspection of all water lines unless an equivalent method for checking water lines is employed such as water meters or pressure gauges; b) A weekly visual inspection of all facility components including animal holding areas, manure storage areas, manure transfer systems, feed storage areas, runoff control measures, and mortality handling areas to assess their conformance to this Permit; and c) Inspection of manure application equipment for leaks prior to use. [40 CFR 412.37, 40 CFR 412.4]
11.1	Additional Required Inspections for Liquid Manure Storage Areas. [Minn. R. 7020]

11.2	The Permittee shall make the following inspections for any LMSA at the facility according to the schedule indicated and after any rainfall event exceeding the 25 year, 24 hour storm event: a) A weekly visual inspection of the LMSA and any devices channeling manure-contaminated runoff to the LMSA to assess conformance to the approved plans and this Permit; b) A weekly visual inspection of the liquid level and freeboard marker in each LMSA to ensure that adequate freeboard is maintained; c) For LMSAs with a perimeter drain tile, a monthly examination of the monitoring port or drain tile outlet for water flow and signs of discoloration or odor in any water flowing in the drain tile; d) For anaerobic digesters, in addition to the inspections for LMSAs above, the Permittee shall conduct a weekly visual inspection of any digester system to assess its performance and to check for system malfunctions. [40 CFR 412.37]
11.3	Any repair to the liner of a LMSA must be approved by the MPCA prior to commencement of the repair and the Permittee shall submit plans and specifications prepared by a design engineer if requested by the MPCA. [Minn. R. 7001.0150]
12.1	Correction of Deficiencies Discovered During Required Inspections. [Minn. R. 7020]
12.2	The Permittee shall correct any deficiencies found as a result of the inspections required by this Permit within 30 days, or within a shorter timeframe when required elsewhere in this Permit, unless one of the following apply: a) Construction is required that cannot be effectively performed during the winter season; b) The activity to correct the deficiency requires a permit modification or permit issuance; c) A piece of equipment/part required to correct the deficiency cannot be manufactured and installed within 30 days; or d) Other reasons beyond the control of the Permittee. [40 CFR 412.37]
12.3	The Permittee shall notify the MPCA within 20 days of discovery of any deficiency if an extended period of time is needed to correct the deficiency. The notice shall include an explanation for the delay and indicate the expected period of time needed to correct the deficiency. This notification does not preclude the MPCA from taking any administrative or legal actions to compel compliance. [Minn. R. 7001.1050]
13.1	Permanent Closure. [Minn. R. 7020]
13.2	Within one year after permanently ceasing operation of a facility component, the Permittee shall remove, from the closed component, all manure and any soils visibly contaminated by manure. [Minn. R. 7020.2025]
13.3	The Permittee shall notify the MPCA via telephone or electronic mail within 3 business days of completion of manure and contaminated soils removal and prior to filling/covering the area previously occupied by the closed component. [Minn. R. 7020.2025]
13.4	The Permittee shall, after removing manure and manure-contaminated soils from the closed component, reduce soil nitrogen by growing alfalfa, grasses, or other perennial forage for at least five years unless: a) the component is, or is within, a building that will not be demolished; b) the liner/floor/base of the component was concrete or asphalt that will not be removed; c) a structure or other impervious surface will be constructed over the area occupied by the component within 60 days; or d) the component was a LMSA. The alfalfa, grasses, or other perennial forage must be established as soon as practicable within the current growing season or at the start of the following growing season when manure removal happens after September 30th. [Minn. R. 7001.0150]
13.5	Within 60 days after completing the requirements for permanent closure of an animal holding area or manure storage area, the Permittee shall provide written notification to the MPCA that the closure requirements have been completed. When closure requires growing alfalfa, grasses, or other perennial forage for at least five years, this notification shall be provided within 60 days of initial establishment of the vegetation. [Minn. R. 7020.2025]
14.1	Recordkeeping Requirements. [Minn. R. 7020]

14.2	Except where specifically noted, the Permittee shall retain all records/reports/submittals required by this Permit for a minimum of six years. This retention period shall be automatically extended during the course of any legal or administrative proceedings or when so requested by the MPCA. Documents shall be maintained at the facility or at the Permittee's business address. The Permittee shall make all documents available for examination and copying upon request of the MPCA or county feedlot officer (CFO) and shall, upon request, submit any documents to the MPCA or CFO within 30 days. [Minn. R. 7001.0150]
14.3	The Permittee shall maintain the following facility maintenance records: a) A description of any modifications, or damage and repair, to the manure collection, containment, and storage components; b) Any significant activities that alter the nature of the facility or that would increase the likelihood of discharge from the facility or potential for groundwater pollution; and c) Any other factors affecting compliance with the requirements of this Permit. [Minn. R. 7001.0150]
14.4	The Permittee shall either maintain records of the dates and amounts for all precipitation events when manure is exposed to precipitation, including 24 hours prior to and following land application events, or direct the MPCA to data maintained by governmental agencies or educational institutions. [40 CFR 412.37]
14.5	The Permittee shall maintain records of the results of any inspections required by this Permit, including any deficiencies found and documentation of any actions taken to correct deficiencies, including the discovery date and the date when corrective measures were completed. For any deficiencies not corrected within 30 days of discovery, the documentation must include an explanation as to why the corrections were not made within the 30-day period. [Minn. R. 7001.0150]
14.6	The Permittee shall retain records of the written requests for exemption from the ambient air quality standards during manure removal. [Minn. R. 7001.0150]
14.7	The Permittee shall retain records of manure application activities, including instances of transferred ownership. The records must be maintained on the MPCA standardized forms " <i>Land Application Records For Feedlots With 300 or More Animal Units (wq-f6-23a)</i> " and " <i>Records When Manure Ownership Is Transferred 300 or More Animal Units (wq-f6-43e)</i> ". [Minn. R. 7020.2225]
14.8	The Permittee shall retain the records pertaining to any required facility monitoring as identified in the MPCA-approved monitoring plan until the Permittee receives written approval from the MPCA to cease the monitoring activities. [Minn. R. 7001.0150]
14.9	The Permittee shall maintain records of any design plans, material testing results, and final certification/reports for any manure storage areas until such time that the structure is permanently closed. [Minn. R. 7001.0150]
15.1	Annual Reporting. [Minn. R. 7020]
15.2	The Permittee shall submit annual report : Due annually, by the 1st of March. The Permittee shall submit the annual report to the MPCA regarding facility activities which occurred in the previous calendar year. The Permittee must use the " <i>Animal Feedlot Or Manure Storage Area Annual Report (wq-f3-22b)</i> " form or use a format determined by the MPCA, such as electronic submission. [40 CFR 122.42]
15.3	The standardized form identifies the information required for the annual report, which at a minimum includes the requirements of 40 CFR 122.42 (e)(4) and land application records. [40 CFR 122.42]
15.4	When one permit coverage is issued to multiple registered feedlots, the Permittee shall submit one annual report form for each registered feedlot. [40 CFR 122.42]
16.1	Effluent Limitations. [Minn. R. 7020]
16.2	The Permittee shall not discharge from the facility, by overflow or other means, manure, manure-contaminated runoff, or process wastewater to a sinkhole, fractured bedrock, well, surface tile intake, mine, quarry, or other natural or constructed channels that convey fluids to groundwater. [Minn. R. 7020.2003]
16.3	The Permittee shall not discharge manure, manure-contaminated runoff, or process wastewater from a land application area, except where the discharge is an agricultural stormwater discharge as defined by this Permit. This requirement does not apply when manure ownership is transferred. [40 CFR 122.23]
16.4	For any facility meeting the definition of New Source, the Permittee shall not discharge manure, manure-contaminated runoff, or process wastewater into surface waters of the State from the production area. [40 CFR 412.46]

16.5	For any facility that does not meet the definition of New Source, the Permittee shall not discharge manure, manure-contaminated runoff, or process wastewater into surface waters of the State from the production area unless the overflow of manure or process wastewater is caused by a precipitation event and the facility is in compliance with the requirements of this part and the operational, design, and recordkeeping requirements of this Permit. [40 CFR 412.31]
17.1	Discharges, Spills, and Overflows. [Minn. R. 7020]
17.2	The Permittee shall immediately report by telephone to the State Duty Officer (800-422-0798) and the MPCA any discharge, spill, or overflow of manure, process wastewater, or manure-contaminated runoff, including those authorized by this Permit. [Minn. Stat. 115.061]
17.3	When a discharge, spill, or overflow occurs, whether authorized by this Permit or not, the Permittee shall take all actions necessary to minimize that discharge, spill, or overflow, to recover the material released, and to mitigate impacts to waters of the state. [Minn. Stat. 115.061]
17.4	Within five days of any discharge, spill, or overflow, the Permittee shall submit a written statement to the MPCA that includes the following information: a) Cause of discharge, spill, or overflow, such as precipitation (inches of rain or snow per day) or other cause (e.g., structural failure, equipment breakdown); b) A description and approximate volume of any discharge, spill, or overflow; c) Location and name, if available, of the vulnerable drinking water supply management area (DWSMA), surface water source DWSMA, waterway, dry ditch, gully, creek, stream, pond, lake, river, or other waters of the state receiving the discharge, spill, or overflow; d) Corrective steps being taken to reduce or eliminate and prevent a recurrence of a non-permitted discharge, spill, or overflow; e) The period of time the discharge, spill, or overflow occurred including exact dates and times or, if still occurring, the anticipated time the discharge, spill, or overflow will continue; and f) Name of person reporting the discharge, spill, or overflow. [Minn. R. 7001.0150]
17.5	The Permittee shall ensure that all discharges, spills, or overflows associated with the facility do not cause or contribute to non-attainment of applicable state water quality standards. [40 CFR 122.44]
18.1	Permit Eligibility. [Minn. R. 7020]
18.2	An owner of a facility is not eligible for coverage under this Permit and must obtain coverage under an individual NPDES permit when any of the following apply: a) a schedule of compliance is required to address a pollution hazard; b) special conditions are required as the result of environmental review; c) a new technology for construction or operation which is not addressed by this Permit is proposed; d) removal of bedrock is proposed to comply with site restrictions under Minn. R. 7020.2100; e) feed for animals will be brokered or sold at the facility; f) the facility, including the feed storage area, does not meet the design standards of Minn. R. ch. 7020 and this Permit; g) the MPCA determines that the facility operations would be more appropriately controlled by an individual permit; h) the owner is proposing to land apply manure in a manner that is not consistent with the requirements of this Permit; i) the owner is proposing to use a vegetative infiltration basin (VIB) to control runoff from an open lot or manure storage area; or j) the MPCA determines that discharges from a facility or the land application areas under the Permittee's control have the potential to cause or contribute to non-attainment of applicable water quality standards. [Minn. R. 7001.0210]
19.1	General Conditions. [Minn. R. 7020]
19.2	Compliance with other laws - The agency's issuance of a permit does not release the Permittee from any liability, penalty, or duty imposed by Minnesota or federal statutes or rules or local ordinances, except the obligation to obtain the permit. [Minn. R. 7001.0150]
19.3	Future rules and standards - The agency's issuance of a permit does not prevent the future adoption by the agency of pollution control rules, standards, or orders more stringent than those now in existence and does not prevent the enforcement of these rules, standards, or orders against the Permittee. [Minn. R. 7001.0150]
19.4	Property right - The permit does not convey a property right or an exclusive privilege. [Minn. R. 7001.0150]

19.5	Agency obligation - The agency's issuance of a permit does not obligate the agency to enforce local laws, rules, or plans beyond that authorized by Minnesota statutes. [Minn. R. 7001.0150]
19.6	Permitted actions - The Permittee shall perform the actions or conduct the activity authorized by the permit in accordance with the plans and specifications approved by the agency and in compliance with the conditions of the permit. [Minn. R. 7001.0150]
19.7	System reliability - The Permittee shall at all times properly operate and maintain the facilities and systems of treatment and control and the appurtenances related to them which are installed or used by the Permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. The Permittee shall install and maintain appropriate backup or auxiliary facilities if they are necessary to achieve compliance with the conditions of the permit and, for all permits other than hazardous waste facility permits, if these backup or auxiliary facilities are technically and economically feasible. [Minn. R. 7001.0150]
19.8	False information - The Permittee may not knowingly make a false or misleading statement, representation, or certification in a record, report, plan, or other document required to be submitted to the agency or to the commissioner by the permit. The Permittee shall immediately upon discovery report to the commissioner an error or omission in these records, reports, plans, or other documents. [Minn. R. 7001.0150]
19.9	Submittals - The Permittee shall, when requested by the commissioner, submit within a reasonable time the information and reports that are relevant to the control of pollution regarding the construction, modification, or operation of the facility covered by the permit or regarding the conduct of the activity covered by the permit. [Minn. R. 7001.0150]
19.10	Right of Entry - When authorized by Minnesota Statutes, sections 115.04; 115B.17, subdivision 4; and 116.091, and upon presentation of proper credentials, the agency, or an authorized employee or agent of the agency, shall be allowed by the Permittee to enter at reasonable times upon the property of the Permittee to examine and copy books, papers, records, or memoranda pertaining to the construction, modification, or operation of the facility covered by the permit or pertaining to the activity covered by the permit; and to conduct surveys and investigations, including sampling or monitoring, pertaining to the construction, modification, or operation of the facility covered by the permit or pertaining to the activity covered by the permit. [Minn. R. 7001.0150]
19.11	Steps to minimize non-compliance impacts - If the Permittee discovers, through any means, including notification by the agency, that noncompliance with a condition of the permit has occurred, the Permittee shall take all reasonable steps to minimize the adverse impacts on human health, public drinking water supplies, or the environment resulting from the noncompliance. [Minn. R. 7001.0150]
19.12	Non-compliance notification - If the Permittee discovers that noncompliance with a condition of the permit has occurred which could endanger human health, public drinking water supplies, or the environment, the Permittee shall, within 24 hours of the discovery of the noncompliance, orally notify the commissioner. Within five days of the discovery of the noncompliance, the Permittee shall submit to the commissioner a written description of the noncompliance; the cause of the noncompliance; the exact dates of the period of the noncompliance; if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. [Minn. R. 7001.0150]
19.13	Non-compliance report - The Permittee shall report noncompliance with the permit not reported as a part of the next report which the Permittee is required to submit under this Permit. If no reports are required within 30 days of the discovery of the noncompliance, the Permittee shall submit the report within 30 days of the discovery of the noncompliance. [Minn. R. 7001.0150]
19.14	Advance notice of potential non-compliance - The Permittee shall give advance notice to the commissioner as soon as possible of planned physical alterations or additions to the permitted facility or activity that may result in noncompliance with a Minnesota or federal pollution control statute or rule or a condition of the permit. [Minn. R. 7001.0150]
19.15	Permit transfer - The permit is not transferable to any person without the express written approval of the agency after compliance with the requirements of Part 7001.0190. A person to whom the permit has been transferred shall comply with the conditions of the permit. [Minn. R. 7001.0150]

19.16	Liability - The permit authorizes the Permittee to perform the activities described in the permit under the conditions of the permit. In issuing the permit, the state and agency assume no responsibility for damage to persons, property, or the environment caused by the activities of the Permittee in the conduct of its actions, including those activities authorized, directed, or undertaken under the permit. To the extent the state and agency may be liable for the activities of its employees, that liability is explicitly limited to that provided in the Tort Claims Act, Minnesota Statutes, section 3.736. [Minn. R. 7001.0150]
19.17	Duty to Prevent and Mitigate - The Permittee shall notify the agency immediately of the discharge, accidental or otherwise, of any substance or material under its control which, if not recovered, may cause pollution of waters of the state, and the responsible person shall recover as rapidly and as thoroughly as possible such substance or material and take immediately such other action as may be reasonably possible to minimize or abate pollution of waters of the state caused thereby. [Minn. Stat. 115.061]
19.18	Need to Halt or Reduce Activity Not a Defense - It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit. [40 CFR 122.41]
19.19	Civil and Criminal Liability - Nothing in this Permit shall be construed to relieve the Permittee from civil or criminal penalties for noncompliance with the terms and conditions provided herein. [Minn. R. 7001]
19.20	Severability - The provisions of this Permit are severable, and if any provision of this Permit or the application of any provision of this Permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this Permit shall not be affected thereby. [Minn. R. 7001]
19.21	Discharge Monitoring Reports - This Permit requires the submittal of annual reports in lieu of discharge monitoring reports as the Permittee is not authorized to discharge to surface waters except as provided in Minn. R. 7020.2003, subp. 2, which references 40 CFR pt. 412. [40 CFR 412]
19.22	Availability of Reports - Except for data determined to be confidential under Minn. Stat. 116.075, subd. 2, all reports prepared in accordance with the terms of this Permit shall be available for public inspection at the offices of the MPCA. Procedures for submitting such confidential material shall be pursuant to Minn. R. 7000. Monitoring data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Minn. Stat. 115.071, subd. 2. [Minn. R. 7000.1200]
20.1	Definitions. [Minn. R. 7020]
20.2	"Agency" means the Minnesota Pollution Control Agency, as constituted pursuant to Minn. Stat. 116.02. [Minn. R. 7020.0300]
20.3	"Agricultural Stormwater" means a precipitation-related discharge of manure, litter or process wastewater from land areas under the control of a CAFO where the manure, litter or process wastewater has been applied in accordance with site specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter or process wastewater, as specified in 40 CFR 122.42(e)(1)(vi)-(ix). [40 CFR 122.23]
20.4	"Anaerobic Digester" means a liquid manure storage area that is constructed with the intent to capture and combust gas emissions resulting from the digestion of waste by microbes in anaerobic conditions. An anaerobic digester is a LMSA and is required to comply with all requirements applicable to LMSAs. Requirements specific to anaerobic digesters will be noted when applicable. [Minn. R. 7020]
20.5	"Animal Feeding Operation" ("AFO") means a lot or facility (other than an aquatic animal production facility) where animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. [40 CFR 122.23]
20.6	"Animal Feedlot" means a lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosures. For the purposes of this Permit, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under this Permit. [Minn. R. 7020.0300]
20.7	"Animal Manure" or "Manure" means poultry, livestock, or other animal excreta or a mixture of excreta with feed, bedding, precipitation, or other materials. [Minn. R. 7020.0300]

20.8	"Application Materials or Permit Application" means all information submitted by the applicant for coverage under this permit and relied upon by the MPCA to make a decision on the request for permit coverage. This includes but is not limited to the application form, manure management plan, plans and specifications for facility components, emergency response plan, and required monitoring plans as approved by the MPCA. [Minn. R. 7001]
20.9	"Approved Plans or MPCA Approved" means any previously approved plans/documents or new/revised plans/documents required by this Permit that receive approval from the MPCA. [Minn. R. 7001]
20.10	"Best Management Practices" ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the state. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. [Minn. R. 7001]
20.11	"Closure" refers to the cessation of use of all or any part of the facility, including: a) The removal of livestock or poultry from all or any of the animal holding areas located within the production area; and b) The discontinuation of a structure or area located within the production area to handle, store, or treat manure. [Minn. R. 7020]
20.12	"Coarse-textured Soils" means fields that have at least 33 percent of the surface soil and/or subsoil (within three (3) feet of the surface) with one of the following soil texture types: sand, loamy sand, loamy coarse sand, fine sand, loamy fine sand, coarse sand, or very fine sand. [Minn. R. 7001]
20.13	"Commencement of Construction" means to begin or cause to begin, as part of a continuous program, the placement, assembly, or installation of facilities or equipment; or to conduct significant site preparation work, including clearing excavation or removal of existing buildings, structures, or facilities, necessary for the placement, assembly, or installation of facilities; or equipment at a new or expanded animal feedlot or a new, modified, or expanded manure storage area. [Minn. R. 7020.0300]
20.14	"Commissioner" means the Commissioner, or other MPCA staff authorized by the Commissioner, of the MPCA, as described in Minn. Stat. 116.03, as amended. [Minn. R. 7020.0300]
20.15	"Concentrated Animal Feeding Operation" ("CAFO") means an AFO that is defined as a Large CAFO or as a Medium CAFO by the terms of 40 CFR 122.23(b)(2), or that is designated as a CAFO in accordance with 40 CFR 122.23(c). [Minn. R. 7020.0300]
20.16	"Corrective or Protective Measure" means a practice, structure, condition, or combination thereof that prevents or reduces the discharge of pollutants from an animal feedlot or manure storage area to a level in conformity with MPCA rules. [Minn. R. 7020.0300]
20.17	"Design Engineer or Professional Engineer" means an engineer licensed in the state of Minnesota or a NRCS staff person having NRCS approval authority for the project. [Minn. R. 7020.0300]
20.18	"Discharge" means the addition of a pollutant to waters of the state, including a release of animal manure or process wastewater from an animal holding area, manure storage area, or a manure land application site by leaking, pumping, pouring, emitting, emptying, dumping, escaping, seeping, leaching, or any other means. Discharge includes both point source and nonpoint source discharges. [Minn. R. 7020.0300]
20.19	"Emergency Manure Application" Emergency manure application means instances of land application of manure that are the direct result of situations beyond the control of the Permittee, such as unusual weather conditions, unavoidable equipment failure, or other circumstances that could not have been avoided with proper planning and management and there is no opportunity to provide temporary storage within another approved manure storage area at the facility. In these situations, only the application of the volume of manure that is necessary to prevent manure storage overflow is considered to be emergency manure application. [Minn. R. 7001]
20.20	"Facility" means an animal feedlot, a manure storage area, or an animal feedlot with a manure storage area that is subject to this Permit. [Minn. R. 7020.0300]

20.21	"Feed Storage Area" means a designated area at the production facility, paved or unpaved, covered or uncovered, that is utilized for storage of any materials used to create the rations for livestock. Also included are those areas used to store spoiled, spilled, or other unused rations for livestock. For purposes of this Permit, "feed storage area" does not include buildings or roofed structures that contain dry commodities, provided that precipitation does not come into contact with the commodities stored inside the structure. "Feed storage area" does not include areas used for the storage of hay bales and other absorbent materials which do not create contaminated leachate and do not create a pollution hazard. [Minn. R. 7001]
20.22	"Feed Storage Area Runoff" means liquid that leaves the feed storage area that is the result of precipitation on the feedstocks or on the surrounding feed storage area where residual feed is present. This does not include water that flows off of the tarp/roof of a feed storage, unless that liquid is allowed to come into contact with feedstocks, residual feed, or other liquid that has come into contact with feedstocks or residual feed. This liquid is not stormwater and should not be allowed to directly enter waters of the state, tile intakes, or stormwater collection/mitigation area (stormwater ponds, etc.). [Minn. R. 7001]
20.23	"Incorporate or Incorporation" means applying manure using injection, disking into the soil, tilling the soil after application, or using other practices that result in a majority of the manure being placed below the ground surface within 24 hours of application and prior to rainfall. [Minn. R. 7001]
20.24	"Intermittent Stream" means all watercourses identified as intermittent streams on United States Geological Survey quadrangle maps. [Minn. R. 7020.0300]
20.25	"Land Application Area" means land under the control of an AFO owner or operator, whether it is owned, rented, or leased, to which manure, litter, or process wastewater from the production area is or may be applied. [Minn. R. 7001]
20.26	"Liquid Manure" means manure that does not meet the definition of solid manure. Process wastewater and manure-contaminated runoff are considered to be liquid manure. [Minn. R. 7020.0300]
20.27	"Liquid Manure Storage Area" ("LMSA") means an area where liquid animal manure and process wastewaters are stored or processed. [Minn. R. 7020.0300]
20.28	"Manure-contaminated Runoff" means a liquid that has come into contact with animal manure and drains over land from any animal feedlot, manure storage area, or animal manure land application site. [Minn. R. 7020.0300]
20.29	"Manure Storage Area" means an area where animal manure or process generated wastewater are stored or processed. Short-term and permanent stockpile sites and composting sites are manure storage areas. Animal manure packs or mounding are not manure storage areas provided they are managed in accordance with Minn. R. 7020.2000, subp. 3. [Minn. R. 7020.0300]
20.30	"MPCA" means the Minnesota Pollution Control Agency or Minnesota Pollution Control Agency staff as delegated by the Minnesota Pollution Control Agency. [Minn. R. 7001]
20.31	"Modification" means a change to a facility component or operational practice described, required, or authorized by this Permit, including an expansion. Major and minor modifications are described by Minn. R. 7020.0300 and Minn. R. 7001.0190. A change to a facility component or operational practice that is not described, required, or authorized by a permit is not a modification, including changes to: a) the type of crop or manure application rate if consistent with the methodology portion of the manure management plan and reflected in required records; b) routine maintenance; c) feeding or milking schedules; d) animal diets; e) bedding materials so long as consistent with approved plans and specifications; f) equipment used to clean the facility so long as consistent with approved design plans and specifications; g) lands used as pasture; or h) facility components not involved directly in animal or manure management such as an office or machine shed. [Minn. R. 7020.0300]
20.32	"MES" means the University of Minnesota Extension System. [Minn. R. 7001]
20.33	"National Pollutant Discharge Elimination System Permit" or "NPDES" means a permit issued by the MPCA as required by federal law for the purpose of regulating the discharge of pollutants from point sources into waters of the United States from concentrated animal feeding operations (CAFOs) as defined by federal law. [Minn. R. 7020.0300]

20.34	"New Source" means a swine, poultry, or veal calf facility that began construction after December 4, 2008, and is subject to a new source performance standard in 40 CFR pt. 412 prohibiting discharges from the production area. [40 CFR 122.2]
20.35	"NRCS" means the Natural Resources Conservation Service. [Minn. R. 7001]
20.36	"Overflow" means the release of manure or process wastewater resulting from the filling of wastewater or manure storage structures beyond the point where manure, process wastewater, or stormwater can be contained by the structure. [Minn. R. 7001]
20.37	"Owner" or "Owners" shall mean all persons having possession, control, or title to an animal feedlot or manure storage area as defined by Minn. R. 7020.0300, subp. 17. [Minn. R. 7020.0300]
20.38	"Permanent Closure" means ceasing operation of all or any part of the facility with the intent that the animal holding area(s) and/or manure storage area(s) will no longer be used for that purpose. [Minn. R. 7020]
20.39	"Permanent Manure Stockpile" means a solid manure storage area where manure is stored or processed that does not meet the requirements of Minn. R. 7020.2125, subp. 2, for short-term stockpiles. [Minn. R. 7020.0300]
20.40	"Permittee" means the owner or owners or any person or group of persons including, but not limited to, a single individual, manager, partnership, limited partnership, cooperative, or any form of corporate entity that has possession or control or title to the feedlot granted coverage under this Permit in accordance with the MPCA-approved application materials. [Minn. R. 7001]
20.41	"Probability of Rainfall" means National Weather Service statistical predictions (may be found at the website: http://www.weather.gov/mdl/synop/products.php). [Minn. R. 7001]
20.42	"Process Wastewater" means waters and/or precipitation, including rain or snow, which comes into contact with manure, litter, bedding, or other raw material or intermediate or final material or product used in or resulting from the production of animals, poultry, or direct products such as milk or eggs. [Minn. R. 7020.0300]
20.43	"Production Area" means that part of the animal feeding operation that includes the animal confinement area, the manure storage area, the raw materials storage area, and the waste containment areas. The animal confinement area includes, but is not limited to, open lots, housed lots, feedlots, confinement houses, stall barns, free stall barns, calf huts/hutches, milkrooms, milking centers, egg washing or egg processing areas, areas used for the storage and disposal/treatment of mortalities, cowyards, barnyards, medication pens, walkers, animal walkways, and stables. The manure storage area includes, but is not limited to, lagoons, runoff ponds, storage sheds, stockpiles, under-house or pit storages, liquid impoundments, static piles, and composting piles. The raw materials storage area includes, but is not limited to, feed silos, and silage bunkers. The waste containment area includes, but is not limited to, settling basins and areas within berms and diversions which separate uncontaminated stormwater. [40 CFR 412.2]
20.44	"Short-term Manure Stockpile" means a manure storage area where manure is stored or processed according to Minn. R. 7020.2125, subp. 1 to 3. [Minn. R. 7020.0300]
20.45	"Sinkhole" means a surface depression caused by a collapse of soil or overlying formation above fractured or cavernous bedrock. [Minn. R. 7020.0300]
20.46	"Soil Temperature" means a thermometer reading at a depth of six inches or as indicated by the closest soil temperature monitoring location available on the MDA soil temperature network available at https://app.gisdata.mn.gov/mda-soiltemp/ . [Minn. R. 7001]
20.47	"Solid Manure" means manure that has 15 percent or more solids, can be stacked at a 3:1 vertical to horizontal ratio, and is handled as a solid product. [Minn. R. 7020]
20.48	"Spill" means the release of manure, manure contaminated runoff, or process wastewater from the confines of an animal feedlot, manure storage area, manure transfer system, or other component used to collect, transfer, or store manure, manure-contaminated runoff, or process wastewater that if not recovered would pollute waters of the state. Spill includes releases from activities associated with land application that do not comply with this Permit. [Minn. R. 7001]
20.49	"Special Protection Area" means land that is within 300 feet of all protected waters (lakes and streams) and protected wetlands, identified on Department of Natural Resources (DNR) protected waters and wetlands maps and intermittent streams and ditches identified on United States Geological Survey (USGS) quadrangle maps, excluding drainage ditches with berms and segments of intermittent streams which are grassed waterways. [Minn. R. 7020.0300]
20.50	"Temporary Closure" means ceasing operation of all or part of a facility with the intent of reusing the facility or portion of the facility at a future date. [Minn. R. 7020]

20.51	"Waters of the State" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, that are contained within, flow through, or border upon the state or any portions of the state. [Minn. R. 7020.0300]
20.52	"Waters of the United States" has the meaning given under 40 CFR 122.2. [Minn. R. 7020.0300]
20.53	"Winter Manure Application" or "Winter Application" means application of manure to frozen or snow-covered soils, except application during the months of October and November or when the manure is immediately incorporated or injected below the soil surface. [Minn. R. 7001]

DISPLAYNAME	MAILINGADDR	MAILINGCITYSTATEZIP
BECKER FREDERICK M	42193 465TH AVE	NICOLLET MN 56074
DAIRY WISE BUILDERS MN III LLC	PO BOX 11810	BAKERSFIELD CA 93389
FORBROOK ETTA LYN	41806 490TH ST	NORTH MANKATO MN 56003
KROHN DIANE K TRUST AGREEMENT	40778 465TH AVE	NICOLLET MN 56074
KROHN LARRY A & SHIRLEY E KROHN	43572 451ST AVE	NICOLLET MN 56074
KROHN SETH A	43578 451ST AVE	NICOLLET MN 56074
KROHN WARREN L REVOCABLE TRUST	41791 465TH AVE	NICOLLET MN 56074
RICKE BERNICE LIVING TRUST	60 PARNELL ST SUITE A	MERRITT ISLAND FL 32953
WAKEFIELD PORK INC	410 MAIN AVE E	GAYLORD MN 55334
WILKING JUDITH A	41866 451ST AVE	NICOLLET MN 56074
WILKING LARRY L & MARLENE H WILKING	41896 451ST AVE	NICOLLET MN 56074
Bob Wills- Granby Township	41156 465th Ave	Nicollet, MN 56074



PLANNING COMMISSION

CRITERIA FOR GRANTING A CONDITIONAL USE PERMIT

Name of Applicant Lee Alex, Trident Dairy

Hearing December 18, 2023

Property Owner Dairy Wise Builders MN III LLC

Continuation N/A

File PLN23-24

Commission Member Choose an item.

Use Request Feedlot Conditional Use Permit amendment

FINDINGS OF FACT

Authority for issuance of conditional use permits is derived from Minnesota State Statute §394.301 and Nicollet County Zoning Ordinance, Section 505. The conditional use must maintain the health, safety, morals, and general welfare of the community.

1. Given the nature of the land, the requested use is compatible with public health, safety, and general welfare.

YES ☐ NO ☐ REASON: _____

2. The requested use will not create an unreasonably excessive burden on the existing roads or other utilities.

YES ☐ NO ☐ REASON: _____

3. The requested use is compatible with the surrounding area and will not significantly depreciate nearby properties.

YES ☐ NO ☐ REASON: _____

4. The structure and the use shall have an appearance that will not have an unreasonably adverse effect on nearby properties.

YES ☐ NO ☐ REASON: _____

5. The requested use is consistent with the County Zoning Ordinance.

YES ☐ NO ☐ REASON: _____

ATTACHMENT K
Criteria for Conditional Use Permit

6. The requested use is not in conflict with the County Comprehensive Plan.

YES ☐ NO ☐ REASON: _____

7. The requested use will not create an unreasonably adverse effect because of noise, odor, glare, or general unsightliness, for nearby property owners.

YES ☐ NO ☐ REASON: _____

8. The requested use is reasonably related to the existing land use and environment.

YES ☐ NO ☐ REASON: _____

9. There are no apparent unreasonable health risks posed to neighbors or the public in general.

YES ☐ NO ☐ REASON: _____

10. The requested use _____ have adverse effect upon public health, safety and welfare due to the following other factors.

WILL ☐ WILL NOT ☐ REASON: _____

THE NICOLLET COUNTY PLANNING COMMISSION

☐ RECOMMENDS APPROVAL OF THE REQUESTED USE

☐ RECOMMENDS DENIAL OF THE REQUESTED USE

THIS DECISION WAS BASED UPON

☐ Application

☐ Site visit

☐ Pictures

☐ Information received at public hearing

☐ Staff Report

SPECIAL CONDITIONS ARE LISTED ON THE RECORDED CONDITIONAL USE AND IN THE RECORD.

FACTS SUPPORTING THE ANSWER TO EACH QUESTION ABOVE ARE HEREBY CERTIFIED AS THE FINDINGS OF THE NICOLLET COUNTY PLANNING COMMISSION.

Date: _____ Commission Member: _____



CONDITIONAL USE PERMIT

FILLING OVER 50 CUBIC YARDS NOT IN CONNECTION WITH ANOTHER PERMITTED USE

Marty & Mary McCabe

PLN23-25

**NICOLLET COUNTY
PLANNING & ZONING ADVISORY COMMISSION**

SUBJECT:	PLN23-25
APPLICANT:	Marty & Mary McCabe
LANDOWNER:	Marty & Mary McCabe
LOCATION:	Northwest ¼ of the Northeast ¼, Section 7-110-26 in Traverese Township
PARCEL NO:	12.107.0700
EXISTING ZONING:	Agricultural Preservation Zoning District
HEARING DATE:	12/18/2023
COUNTY BOARD DATE:	01/02/2024
60 DAYS FROM REQUEST:	01/20/2024

REQUEST

Marty & Mary McCabe are requesting Conditional Use Permit approval to place fill dirt within the Agricultural Preservation Zoning District.

PROJECT DESCRIPTION:

The Applicant is constructing a new dwelling just north of an old barn site, which was demolished and removed before they purchased the property. The former three-story barn was built into the side of the bluff by creating layered stone retaining walls with a concrete foundation. The stone and concrete remain on site in a deteriorated condition; they are crumbling and bowing so as to expose the earthen wall behind it, which could create the risk of collapse over time.

The Applicant states the barn site in its current condition is a safety risk to their small children. To remediate this, the fill dirt would be placed overtop of the foundation and gradually sloped and compacted to blend with the adjacent bluff. The Applicant intends for the finished grade to match what they imagine the bluff looked like before it was altered.

ORDINANCE:

Cutting or filling over 50 cubic yards in the Agricultural Preservation Zoning District requires a Conditional Use Permit, unless it is associated with another permitted use. Reference Nicollet County Zoning Ordinance 602.3.

EXISTING LAND USE

The 18.68-acre lot is primarily bluff and contains an existing dwelling, grain bins, and several barns and sheds formerly used for agricultural purposes. The homesite was parceled off from the neighboring farmland in September 2023.

SURROUNDING LAND USE

The surrounding land use is primarily agricultural and forested bluff, but there is a cluster of homes located to the north/ northwest of the property. The City of Saint Peter is located about one mile to the east.

SOIL & WATER CONSERVATION DISTRICT (SWCD) COMMENT

Blake Honetschlager, District Technician with SWCD, reviewed the application and conducted a site visit. He recommended matching the existing slope on site and seeding it with a vegetative cover after to prevent erosion.

NEIGHBOR NOTIFICATION

Property owners were notified of the request per the standards of Section 505.3 of the Zoning Ordinance and Minnesota State Statute 394.26.

CRITERIA FOR GRANTING A CONDITIONAL USE PERMIT

- 1. Given the nature of the land, the requested use is compatible with the public health, safety, and general welfare.**
 - The request improves health, safety, and welfare by eliminating the fall and collapse hazards associated with the old retaining wall and foundation.
 - The Applicant's request is a conditionally permitted use in the Agricultural Preservation Zoning District.
- 2. The requested use will not create an unreasonably excessive burden on the existing roads or utilities.**
 - Transporting the fill will temporarily generate additional traffic, but it is not expected to be unreasonable for the existing roads.
 - No unreasonable utility usage is expected.

- 3. The requested use is compatible with the surrounding area and will not significantly depreciate nearby properties.**
 - The request does not appear to have an impact on neighboring properties or the surrounding area.
 - The barn site is screened from the neighboring residential properties by trees and the bluff.
- 4. The structure and the use shall have an appearance that will not have an unreasonably adverse effect on nearby properties.**
 - There is no structure associated with the request.
 - The appearance of the bluff would be improved by returning the barn site to a more natural landscape.
 - The barn site is screened from neighboring residential properties by trees and the bluff.
- 5. The requested use is consistent with the Nicollet County Land Use Ordinances.**
 - The request appears to meet all standards of the Nicollet County Zoning Ordinance.
- 6. The requested use is not in conflict with the Nicollet County Comprehensive Plan.**
 - The Comprehensive Plan states that bluffs are a natural resource to be preserved, protected, and conserved.
 - The intent of the request is to restore the bluff to a more natural condition, which furthers preservation and conservation.
- 7. The requested use will not create an unreasonably adverse effect because of noise, odor, glare, or general unsightliness, for nearby property owners.**
 - No unreasonable noise, odor, glare, or general unsightliness is expected, as the request just involves fill dirt.
- 8. The requested use is reasonably related to the existing land use and environment.**

- The request is related to the existing land use as it increases the safety of their residential yard.
- The request is related to the environment as it involves restoring an existing bluff.

9. There are no apparent unreasonable health risks posed to neighbors or the public in general.

- The request appears to meet all county standards, and staff are unable to identify any potential health risks to neighbors or the public in general.

10. The requested use will/will not have an adverse effect upon public health, safety, and welfare due to the following other factors:

- The request as proposed appears to meet County standards, with no apparent adverse effects to public health, safety, and welfare.

STAFF RECOMMENDATIONS

1. The Applicant shall undertake the project according to the plans and specifications submitted to the County with the application.
2. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
3. The final grade of the fill shall match that of the surrounding bluff.
4. A permanent vegetative cover shall be established and maintained for the entire fill area.

Applicant/Landowner: Marty & Mary McCabe

PLN23-25

ATTACHMENT A	Application
ATTACHMENT B	Submitted by Applicant
ATTACHMENT C	Aerial Map
ATTACHMENT D	Location Map
ATTACHMENT E	Site Photographs
ATTACHMENT F	Neighbor Notification List
ATTACHMENT G	Criteria for Conditional Use Permit



PROPERTY SERVICES DIVISION
501 S MINNESOTA AVENUE, SAINT PETER, MN 56082
507-934-7070

PLANNING & ZONING ADVISORY COMMISSION APPLICATION

TOTAL FEES: \$496.00

Map#: 14-07-200-007
Parcel#: 12.107.0700
Permit#: PLN23-25
Date: 11/14/2023

Applicant: Marty & Mary McCabe
Telephone: 612 718 3811
Owner: Marty & Mary McCabe
Property Address: 36387 410th St, Saint Peter, MN 56082
Abbreviated Legal Description: NWNE 7-110- 26
Township: Traverse Township
Zoning District(s): AGRICULTURAL

Record Type: Conditional Use Permit
Subtype: New
Category: Cutting/Filling >50yds
Description: CUP for filling over 50 cubic yards

Marty McCabe
Marty McCabe (Nov 21, 2023 10:56 CST)

APPLICANT SIGNATURE

Nov 21, 2023

DATE

James Groulx

PROPERTY SERVICES

11/21/23

DATE

ATTACHMENT A
Application

Application

Final Audit Report

2023-11-21

Created:	2023-11-21
By:	Spencer Crawford (Spencer.Crawford@co.nicollet.mn.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAAerw0Z66BbsWqvgeI-KQmhVpZdoQzX6p-

"Application" History

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 Signer martymccabe41@gmail.com entered name at signing as Marty McCabe
2023-11-21 - 4:56:57 PM GMT

 Document e-signed by Marty McCabe (martymccabe41@gmail.com)
Signature Date: 2023-11-21 - 4:56:59 PM GMT - Time Source: server

 Agreement completed.
2023-11-21 - 4:56:59 PM GMT



CONDITIONAL USE PERMIT APPLICANT QUESTIONNAIRE PROJECT DESCRIPTION

APPLICANT NAME: Marty & Mary McCabe DATE: 11/14/2023
REQUEST: Fill in site of demolished barn

Please describe the specific details related to your request. If your request is approved, you will be held to the plans and specifications submitted to the County with your application.

A 3-story barn was demolished on the property before we purchased it. The barn foundation remains and presents a significant safety risk, especially for our small children, as the foundation is crumbling/bowing and there are steep drop offs. Our goal is to return the land to the way we imagine it would have been prior to the barn being built as a gradually sloping hill.

ATTACHMENT B
Submitted by Applicant



CONDITIONAL USE PERMIT APPLICANT QUESTIONNAIRE

APPLICANT NAME: Marty & Mary McCabe DATE: 11/14/2023

REQUEST: Fill in site of demolished barn

In granting a conditional use permit, the County Board shall consider the advice and recommendation of the Planning Commission and the effect of the proposed use upon the health, safety, morals, and general welfare of the community. Among other things, the County Board shall make the following findings where applicable.

WHY DO YOU FEEL THE REQUESTS MEETS THE FOLLOWING CRITERIA?

1. Given the nature of the land, the requested use is compatible with public health, safety, and general welfare.

The current state of this site presents a significant safety risk as the foundation is crumbling/bowing and there are steep drop offs.

2. The requested use will not create an unreasonably excessive burden on the existing roads or other utilities.

Correct.

3. The requested use is compatible with the surrounding area and will not significantly depreciate nearby properties.

Goal is to return the land to how we imagine it would have looked prior to the barn being built as a gradually sloping hill. This will blend seamlessly with the existing landscapes on our property and be an improvement for nearby

4. The structure and use shall have an appearance that will not have an unreasonably adverse effect on nearby properties.

This change will enhance the landscape, remove the eyesore of the old foundation, and be an improvement for nearby properties.

5. The requested use is consistent with the County Zoning Ordinance.

Correct.

6. The requested use is not in conflict with the Comprehensive Plan.

Correct.

7. The requested use will not create an unreasonably adverse effect because of noise, odor, glare, or general unsightliness, for nearby property owners.

This change will enhance the landscape and remove the eyesore of the old foundation.

8. The requested use is reasonably related to the existing land use and environment.

Yes.

9. There are no apparent unreasonable health risks posed to neighbors or the public in general.

This change will significantly increase safety.

10. The requested use will/will not have an adverse effect upon public health, safety, and welfare due to the following other factors.

This change will significantly increase safety.

A MAJORITY OF THE CUP CRITERIA MUST BE MET IN ORDER FOR THE REQUEST TO BE APPROVED.





410th Street

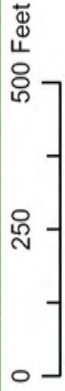
Location of fill

ATTACHMENT C

Aerial Map



N

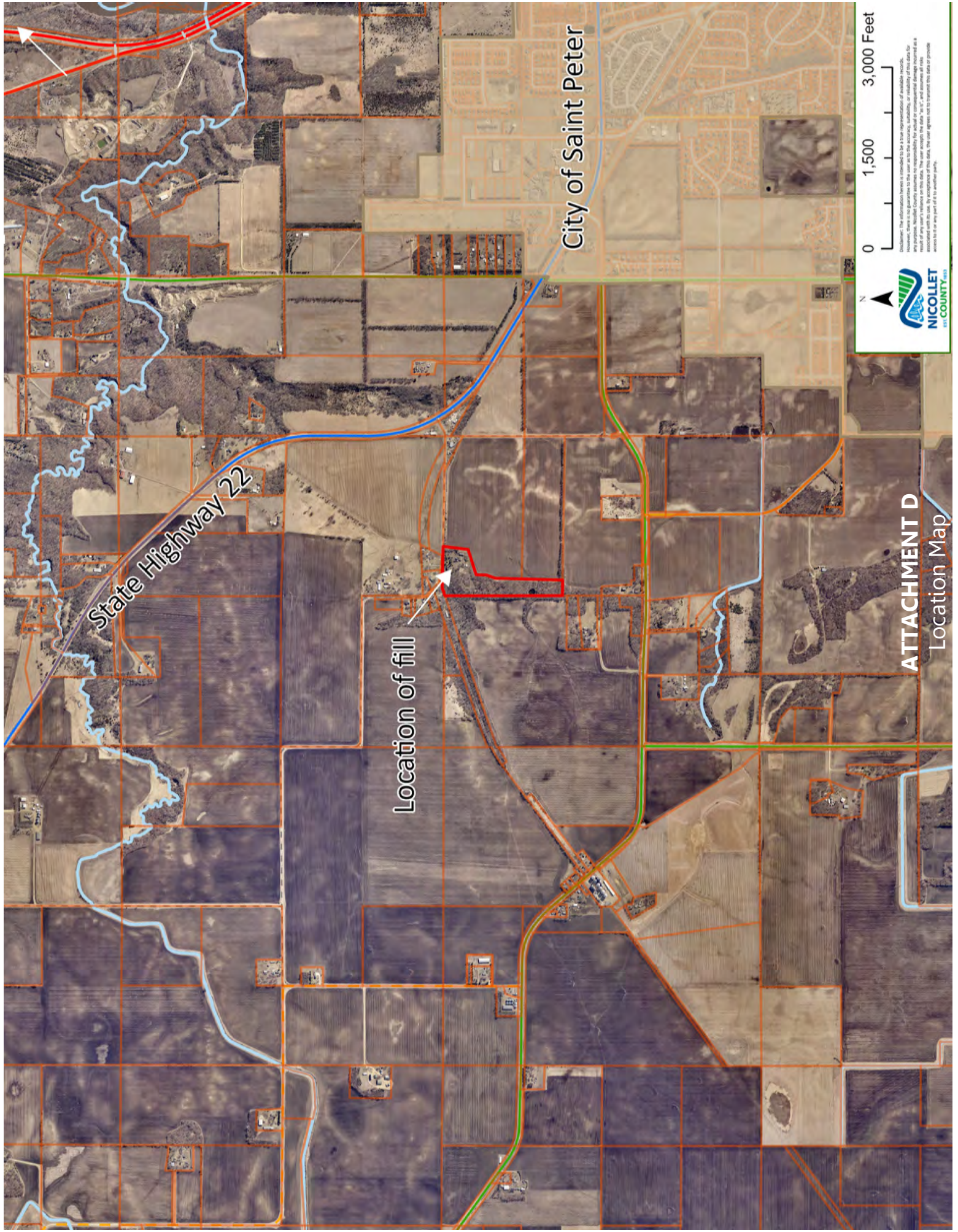


0 250 500 Feet



NICOLLET
COUNTY
MINN.

Disclaimer: This information is intended to be a true representation of available records. However, there is no guarantee to the user as to the accuracy, reliability, or validity of this data for any purpose. Nicollet County assumes no responsibility for actual or consequential damage incurred as a result of the use of this data. By accepting or using this data, the user agrees not to transmit this data or provide access to it or any part of it to another party.



State Highway 22

Location of fill

City of Saint Peter

ATTACHMENT D
Location Map

0 1,500 3,000 Feet

N

 **NICOLLET**
COUNTY, MINN.

Disclaimer: The information herein is presented for informational purposes only. It is not intended to be used as a basis for any legal action. The user assumes all responsibility for the use of this information. The user agrees not to permit this data or provide access to it or any part of it to another party.



ATTACHMENT E
Site Photographs



DISPLAYNAME	MAILINGADDR	MAILINGCITYSTATEZIP
DEBLIECK BRENDA R REVOCABLE TRUST	36910 COUNTY ROAD 15	SAINT PETER MN 56082
GREEN TERRI L & DARRELL E	36501 410TH ST	SAINT PETER MN 56082
HOFFMANN MEGHAN A & TIMOTHY W ESSER	36471 410TH ST	SAINT PETER MN 56082
KING DEBRA M	23527 COUNTY RD 40	NEVIS MN 56467
LEONARD STEVEN P & JULIE A LEONARD	36476 410TH ST	SAINT PETER MN 56082
MCCABE MARY ROSE & MARTIN R MCCABE	36387 410TH ST	SAINT PETER MN 56082
MEALMAN JAMES A & WENDY MEALMAN	36483 410TH ST	SAINT PETER MN 56082
MILLER DENNIS M & JULIE L MILLER	36526 410TH ST	SAINT PETER MN 56082
MILLER GARY A & JOANNE L MILLER	40415 STATE HIGHWAY 22	SAINT PETER MN 56082
OLMANSON FAMILY IRREVOCABLE TRUST	40497 COUNTY ROAD 20	SAINT PETER MN 56082
PELL LEE H	36601 450TH LN	SAINT PETER MN 56082
WETTERGREN JANET A	36179 TRAVERSE RD	SAINT PETER MN 56082
WIEBUSCH COREY P & CINDE A WIEBUSCH	36443 410TH ST	SAINT PETER MN 56082
Helen Wenner- Traverse Township	41416 403rd Ave	St Peter, MN 56082



PLANNING COMMISSION

CRITERIA FOR GRANTING A CONDITIONAL USE PERMIT

Name of Applicant Marty & Mary McCabe

Hearing December 18, 2023

Property Owner Marty & Mary McCabe

Continuation N/A

File PLN23-25

Commission Member Choose an item.

Use Request Placement of fill

FINDINGS OF FACT

Authority for issuance of conditional use permits is derived from Minnesota State Statute §394.301 and Nicollet County Zoning Ordinance, Section 505. The conditional use must maintain the health, safety, morals, and general welfare of the community.

1. Given the nature of the land, the requested use is compatible with public health, safety, and general welfare.

YES ☐ NO ☐ REASON: _____

2. The requested use will not create an unreasonably excessive burden on the existing roads or other utilities.

YES ☐ NO ☐ REASON: _____

3. The requested use is compatible with the surrounding area and will not significantly depreciate nearby properties.

YES ☐ NO ☐ REASON: _____

4. The structure and the use shall have an appearance that will not have an unreasonably adverse effect on nearby properties.

YES ☐ NO ☐ REASON: _____

5. The requested use is consistent with the County Zoning Ordinance.

YES ☐ NO ☐ REASON: _____

ATTACHMENT G
Criteria for Conditional Use Permit

6. The requested use is not in conflict with the County Comprehensive Plan.

YES ☐ NO ☐ REASON: _____

7. The requested use will not create an unreasonably adverse effect because of noise, odor, glare, or general unsightliness, for nearby property owners.

YES ☐ NO ☐ REASON: _____

8. The requested use is reasonably related to the existing land use and environment.

YES ☐ NO ☐ REASON: _____

9. There are no apparent unreasonable health risks posed to neighbors or the public in general.

YES ☐ NO ☐ REASON: _____

10. The requested use _____ have adverse effect upon public health, safety and welfare due to the following other factors.

WILL ☐ WILL NOT ☐ REASON: _____

THE NICOLLET COUNTY PLANNING COMMISSION

☐ RECOMMENDS APPROVAL OF THE REQUESTED USE

☐ RECOMMENDS DENIAL OF THE REQUESTED USE

THIS DECISION WAS BASED UPON

☐ Application

☐ Site visit

☐ Pictures

☐ Information received at public hearing

☐ Staff Report

SPECIAL CONDITIONS ARE LISTED ON THE RECORDED CONDITIONAL USE AND IN THE RECORD.

FACTS SUPPORTING THE ANSWER TO EACH QUESTION ABOVE ARE HEREBY CERTIFIED AS THE FINDINGS OF THE NICOLLET COUNTY PLANNING COMMISSION.

Date: _____ Commission Member: _____



CONDITIONAL USE PERMIT

KENNEL

Holly Carlson

PLN23-26

**NICOLLET COUNTY
PLANNING & ZONING ADVISORY COMMISSION**

SUBJECT:	PLN23-26
APPLICANT:	Holly Carlson
LANDOWNER:	Holly Carlson
LOCATION:	Southeast ¼ of the Northwest ¼, Section 17-109-28
PARCEL NO:	09.017.0300
EXISTING ZONING:	Agricultural Preservation Zoning District
HEARING DATE:	12/18/2023
COUNTY BOARD DATE:	01/02/2024
60 DAYS FROM REQUEST:	01/26/2024

REQUEST

Holly Carlson is requesting Conditional Use Permit approval to establish and operate a dog boarding kennel within her residence located at 47530 478th Street.

PROJECT DESCRIPTION

General Information:

The Applicant is proposing to establish Hound's Holiday Dog Boarding LLP, which would offer in-home boarding services for up to four dogs under 30 pounds. The dogs would be housed in kennels with an adjacent play area located in the basement of the home. The Applicant is also proposing a partially covered outdoor dog run to be used for exercise and toileting. Animal waste would be composted in a patch of woods on the western edge of the property.

The Applicant intendeds to line the kennel floor with a Gore-Tex mat for sanitation, ease of waste removal, and comfort. Each kennel will be cleaned between dogs and also as needed. Animal waste will be promptly removed and composted.

Proposed area	Dimensions	Square Footage
Dog kennels	four total, 4' x 6' each	96'
Indoor play area	16' x 6'	96'
Dog run	25' x 10'	250'

Traffic:

The business is anticipated to generate a negligible amount of traffic due to the small number of dogs being kept. Drop offs would occur between 8:00 and 9:00 am and pick-ups between 6:00 and 7:00 pm. The Applicant states these times do not interfere with the Nicollet school bus route.

Utilities:

Additional utility usage is expected to be minimal. The Applicant will utilize a monthly dumpster pickup for trash, which could increase to bimonthly.

Access & Parking:

Customers would use the existing driveway for the dwelling to access the business. The Applicant intends to place 500 square feet of gravel near the end of the driveway for parking and turning around.

Signage:

Signage plans have not been finalized, but the Applicant has discussed Zoning Ordinance standards for signs with Property Services staff. Staff recommended condition number three requires that all signage comply with Nicollet County Zoning Ordinance standards.

Minnesota Board of Animal Health:

Jessy Aho, with the Minnesota Board of Animal Health, reviewed the application and found that no state permit is required.

ORDINANCE

The request appears to meet all kennel standards outlined in Nicollet County Zoning Ordinance 720.

EXISTING LAND USE

The five-acre property contains an existing dwelling and several accessory structures. The western third of the property is covered by trees.

SURROUNDING LAND USE

The surrounding land use is predominantly rural with farm fields in all directions. There are several other residences to the east and west along 478th street, and also a cemetery directly southeast of the property.

NEIGHBOR NOTIFICATION

Property owners were notified of the request per the standards of Section 505.3 of the Zoning Ordinance and Minnesota State Statute 394.26.

CRITERIA FOR GRANTING A CONDITIONAL USE PERMIT

1. Given the nature of the land, the requested use is compatible with the public health, safety, and general welfare.

- Kennels are a conditionally permitted use in the Agricultural Preservation Zoning District.
- The request appears to meet all Zoning Ordinance standards and presents no apparent threat to public health, safety, or welfare.

2. The requested use will not create an unreasonably excessive burden on the existing roads or utilities.

- The amount of additional traffic generated by the business is expected to be negligible.
- Any increase in utilities associated with the business is expected to be negligible.

3. The requested use is compatible with the surrounding area and will not significantly depreciate nearby properties.

- The proposal appears to meet all Zoning Ordinance standards for kennels, including the 500-foot setback from existing dwellings.
- All dogs will be housed indoors, while the outdoor dog run is partially screened by existing vegetation.
- The Applicant is required to follow United States Department of Agriculture guidelines for composting dog waste.

4. The structure and the use shall have an appearance that will not have an unreasonably adverse effect on nearby properties.

- All dogs will be housed indoors, while the outdoor dog run is partially screened by existing vegetation.
- The composting area is screened from surrounding uses by trees.

5. The requested use is consistent with the Nicollet County Land Use Ordinances.

- The request appears to meet Nicollet County Zoning Ordinance Standards.

6. The requested use is not in conflict with the Nicollet County Comprehensive Plan.

- The Comprehensive Plan states the Agricultural Preservation District was established for: Preserving, promoting, maintaining, and enhancing the use of the land for commercial agricultural purposes, to prevent scattered and leap frog non-farm growth, to protect and preserve natural resource areas, and to stabilize increases in public expenditures for public services such as roads and road maintenance, police and fire protection, and schools.
- The requested use does not conflict with the purpose of the Agricultural Zoning District. This is because:
 - It does not result in the loss of any agricultural land or natural resource areas.
 - The non-farm growth is minimal as the proposal primary takes place within an existing home.
 - No unreasonable increase in road maintenance, police, fire, and school services is expected.

7. The requested use will not create an unreasonably adverse effect because of noise, odor, glare, or general unsightliness, for nearby property owners.

- No unreasonable odor is expected because:
 - The Applicant must follow United States Department of Agriculture guidelines for composting dog waste.
 - All setbacks required by the Nicollet County Zoning Ordinance have been maintained.
- No unreasonable noise (barking, etc) is expected because the nearest dwelling not related to the proposal is over 1,000 feet away.
- No unreasonable glare or general unsightliness is expected.

8. The requested use is reasonably related to the existing land use and environment.

- Kennels are a conditionally permitted use in the Agricultural Preservation Zoning District.
- The business will primarily take place within the Applicant's home, which is able to meet all Zoning Ordinance requirements.

9. There are no apparent unreasonable health risks posed to neighbors or the public in general.

- The request appears to meet all Nicollet County Zoning Ordinance requirements.
- The Applicant is required to follow United States Department of Agriculture guidelines for composting dog waste.
- The anticipated traffic for the business is expected to be minimal.

10. The requested use will/will not have an adverse effect upon public health, safety, and welfare due to the following other factors:

- The proposed request appears to meet the standards for kennels in the Agricultural Preservation Zoning District, with no apparent adverse effects to the public health, safety, and welfare.

STAFF RECOMMENDATIONS

1. The Applicant shall undertake the project according to the plans and specifications submitted to the County with the application.
2. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
3. Any sign for the business to be located on-site must adhere to the signage standards set forth in the Nicollet County Zoning Ordinance. A zoning permit shall be required prior to placement of any such signage.
4. Any structural alteration, expansion, intensification of use, or similar change, beyond that which has been proposed by the Applicant, shall be treated in the same manner as a request for a new Conditional Use Permit.
5. The Applicant shall follow the United States Department of Agriculture guidelines for composting dog waste.

Applicant/Landowner: Holly Carlson

PLN23-26

ATTACHMENT A	Application
ATTACHMENT B	Submitted by Applicant
ATTACHMENT C	Location Map
ATTACHMENT D	Site Photographs
ATTACHMENT E	USDA Composting Dog Waste Booklet
ATTACHMENT F	Neighbor Notification List
ATTACHMENT G	Criteria for Conditional Use Permit



PROPERTY SERVICES DIVISION
501 S MINNESOTA AVENUE, SAINT PETER, MN 56082
507-934-7070

PLANNING & ZONING ADVISORY COMMISSION APPLICATION

TOTAL FEES: \$496.00

Map#: 17-17-100-006
Parcel#: 09.017.0300
Permit#: PLN23-26
Date: 11/21/2023

Applicant: Holly Carlson
Telephone: 507-351-6602
Owner: Holly Carlson
Property Address: 47530 478th St
Abbreviated Legal Description: SENW 17-109-28
Township: Nicollet Township
Zoning District(s): AGRICULTURAL

Record Type: Conditional Use Permit
Subtype: New
Category: Commercial
Description: CUP Application for a kennel

PERMIT EXPIRATION DATE: 11/21/2024

Holly Carlson
Holly Carlson Nov 27, 2023 12:23 PST

APPLICANT SIGNATURE

Nov 27, 2023

DATE

Gwen Gaudin

PROPERTY SERVICES

11/22/23

DATE

ATTACHMENT A
Application

PLN23-26 App

Final Audit Report

2023-11-27

Created:	2023-11-27
By:	Spencer Crawford (Spencer.Crawford@co.nicollet.mn.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAAouiGb6RrLJmMCKqOdeJEhyWslQXNeT4

"PLN23-26 App" History

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 Signer hollyisnice@hotmail.com entered name at signing as Holly Carlson
2023-11-27 - 8:33:23 PM GMT

 Document e-signed by Holly Carlson (hollyisnice@hotmail.com)
Signature Date: 2023-11-27 - 8:33:25 PM GMT - Time Source: server

 Agreement completed.
2023-11-27 - 8:33:25 PM GMT



Adobe Acrobat Sign



CONDITIONAL USE PERMIT APPLICANT QUESTIONNAIRE PROJECT DESCRIPTION

APPLICANT NAME: Holly Carlson and Mike Neilsen DATE: 11/4/23
REQUEST: Hound's Holiday Dog Boarding LLP

Please describe the specific details related to your request. If your request is approved, you will be held to the plans and specifications submitted to the County with your application.

We are looking to open our indoor dog boarding business for small dogs. This will include an outdoor dog run and an increase in my driveway size (gravel). We will have four indoor kennels/suites for dogs under 30lbs. We plan on putting up an outdoor dog run that will be partially covered. It will just be Michael and myself, currently residents, working so there will be no employees. We will have drop off and pick-up times that do not interfere with the Nicollet school bus route. The vast majority of people who board their animals do so for more than one day. The amount of extra traffic would be almost unnoticed. Proposed drop off time will be 8-9am and pick-up time between 6-7pm. As far as utilities are concerned, this should also be minimal since we are boarding from inside the home which is already heated and electrified. I have my own well for water. I pay per dumpster pick-up once a month. This could increase to twice monthly.

ATTACHMENT B
Submitted by Applicant



CONDITIONAL USE PERMIT APPLICANT QUESTIONNAIRE

APPLICANT NAME: Holly Carlson and Mike Neilsen DATE: 11/4/23
REQUEST: Dog Boarding Permit

In granting a conditional use permit, the County Board shall consider the advice and recommendation of the Planning Commission and the effect of the proposed use upon the health, safety, morals, and general welfare of the community. Among other things, the County Board shall make the following findings where applicable.

WHY DO YOU FEEL THE REQUESTS MEETS THE FOLLOWING CRITERIA?

1. Given the nature of the land, the requested use is compatible with public health, safety, and general welfare.

This kennel will not infringe on public health, safety or public welfare. It is 6 acre hobby farm that is and will be used accordingly.

2. The requested use will not create an unreasonably excessive burden on the existing roads or other utilities.

We plan on having 4 indoor kennels for boarding. Most people board their animals for a few days so it is reasonable to expect 1-2 extra trips a day to my home. at the most.

3. The requested use is compatible with the surrounding area and will not significantly depreciate nearby properties.

My property is surrounded by fields from other farms. This kennel will not be stinkier or louder than any of my other neighbors.

4. The structure and use shall have an appearance that will not have an unreasonably adverse effect on nearby properties.

There will be an outdoor dog run for the animals to relieve themselves and exercise. We plan on using a kennel kit so it looks nice and professional. It will be 25' by 10', 250sqft total.

5. The requested use is consistent with the County Zoning Ordinance.
The requested use is consistent with the ordinances provided to me.

6. The requested use is not in conflict with the Comprehensive Plan.
?

7. The requested use will not create an unreasonably adverse effect because of noise, odor, glare, or general unsightliness, for nearby property owners.
It is a hobby farm so this kennel is similar to the surrounding properties and their uses.

8. The requested use is reasonably related to the existing land use and environment.

This kennel is similar to the surrounding properties and their property uses.
There is really no difference between what we propose to do and what the neighbors are currently doing as well.

9. There are no apparent unreasonable health risks posed to neighbors or the public in general.

Dogs will be contained at all times, indoor and outdoor. In the unfortunate event a dog gets loose, it shouldn't reasonable be a risk to the public since vaccinations and temperment are a must before they can board with us.

10. The requested use will/will not have an adverse effect upon public health, safety, and welfare due to the following other factors.

We are open minded and willing to cooperate to make this work. We could use privacy fencing and/or mesh shade if there are any issues with sound or looks.

A MAJORITY OF THE CUP CRITERIA MUST BE MET IN ORDER FOR THE REQUEST TO BE APPROVED.

Hound's Holiday Dog Boarding LLP

Holly Carlson and Michael Neilsen

47530 478th St. Nicollet, MN 56074

507-351-6602

hollyisnice@hotmail.com

Summary of Business Proposition

In-home dog boarding for small dogs under 30lbs. We plan to have four indoor dog kennels/suites. Size=approx. 4' by 6'. There will also be an indoor area for them to play right next to the kennels. The total indoor area for the above is 192sqft. We plan on setting up a partially covered dog run for toileting and exercise. The dimensions we are planning are a 25' by 10' area. Total is 250sqft. We also plan to increase the parking area to include room for a couple more vehicles and room to turn around. This will be approx. 500sqft. A grand total of 942sqft. There will be no outside employees. We will have drop-off and pick-up times that do not interfere with the Nicollet school bus route. The proposed drop off time will be 8-9am and pick-up time between 6-7pm. The vast majority of people who board their animals do so for more than one day. One to two extra trips to my residence would be realistic. As far as utilities are concerned, this should also be minimal since we are boarding from inside the home which is already heated and electrified. I have my own well for water. I pay per dumpster pick-up once a month. This could increase bimonthly. I plan on composting the dog waste towards the back of my tree grove.

Our most important company strengths:

1. Me and Mike are completely invested in making this dream happen.
2. We are both very diligent workers and work very well together. We have made several renovations on the homestead by ourselves, inside and out, including tearing down a two and a half story barn by ourselves.
3. We are fortunate to have 5 acres of land to work on and a 3500+ square foot house with 6 bedrooms.
4. We have the capacity to expand and plan to do so.
5. Especially after the pandemic, pets became our family and source of comfort during a terrible time. People will do anything for their family.
6. I do believe that our service will be unique because there are not a lot of dog boarding places that cater to small dogs only. I have not found any in Mankato or the surrounding areas.

Background experience, skills, and strengths that will help us succeed:

1. I have a degree in Mechatronics and have experience in many areas including mechanical, electrical, computer systems, and fluid power.
2. I was the lead hydrogen fuel cell technician for a fleet of 200 fuel cells at the local distribution center in Mankato. I worked in extreme conditions and had to make critical decisions on the spot that affected hundreds.
3. Mike is a 13-year Army vet and has gone through many experiences that will benefit this company. He has training in mechanics on large military vehicles, inventory of highly sensitive equipment, and learned to stay calm under intense pressure.

4. Most importantly, we work GREAT together as a team and have renovated this farm together.
5. We both grew up with dogs in our houses and have a natural connection and love for animals.
6. We have a huge love for animals and currently have 2 dogs, 4 barn cats, 6 ducks, and 12 chickens. Being on the farm around animals all day is both of our dreams.

Legal form of ownership: LLP

Services

1. Dog boarding for small dogs only.
2. We will have indoor suites for the dogs that look more like home than a bunch of cages.
3. We will have an outdoor dog run that is partially covered.
4. We are also considering offering a pick-up service since we are in the country in Nicollet.
5. We would also like to give photo/video updates for the owners.
6. We also plan to sell our chicken and duck eggs that we have so many of.

Marketing Plan

Customers

Middle to upper-class income customers. Mostly homeowners. Ages thirty and up. We think people will be willing to drive up to thirty miles away for quality care. Anybody who has a smaller dog that is a bit pampered, and their owners are afraid to leave them in a cold, scary outdoor kennel that is more like a pound than a home away from home.

Messaging

We are a family who love animals, especially dogs. We know what our dogs bring to our lives, and it is priceless. We will treat your fur babies the same way. Right now, we only board dogs 30lbs or less. This is because the suites/kennels are in our home. Do not get us wrong, we LOVE big dogs. We own a big dog. And we eventually hope to board big dogs. Our dogs use the underground fence and have acres to run around on. Unfortunately, this doesn't work for boarding, and we need larger fenced in areas for the bigger dogs. We do not think it is fair to have large dogs in a small area when they can watch our dogs run free. We are planning to expand outbuildings and make a larger fenced in dog run that will ensure they get adequate exercise. For now, we are catering to the little pups to ensure comfort, health, and safety.

Promotional Tools

Website, haven't started this yet

Signage on the property, hopefully on silo or old barn

Pricing

- After researching kennels in the towns nearby and then all of MN, we believe \$30-35 a night is a price that is fair and competitive.
- We are a little above other smaller kennels in southern MN but our targeted customers probably are not concerned with prices.

Professional and Advisory Support

- Insurance agent- Jennifer Neilsen
- Banker-MN Valley Federal Credit Union
- Consultants and key advisors Small Business Development Center - Nancy Goodwin



09:017.0305

09:017.0810

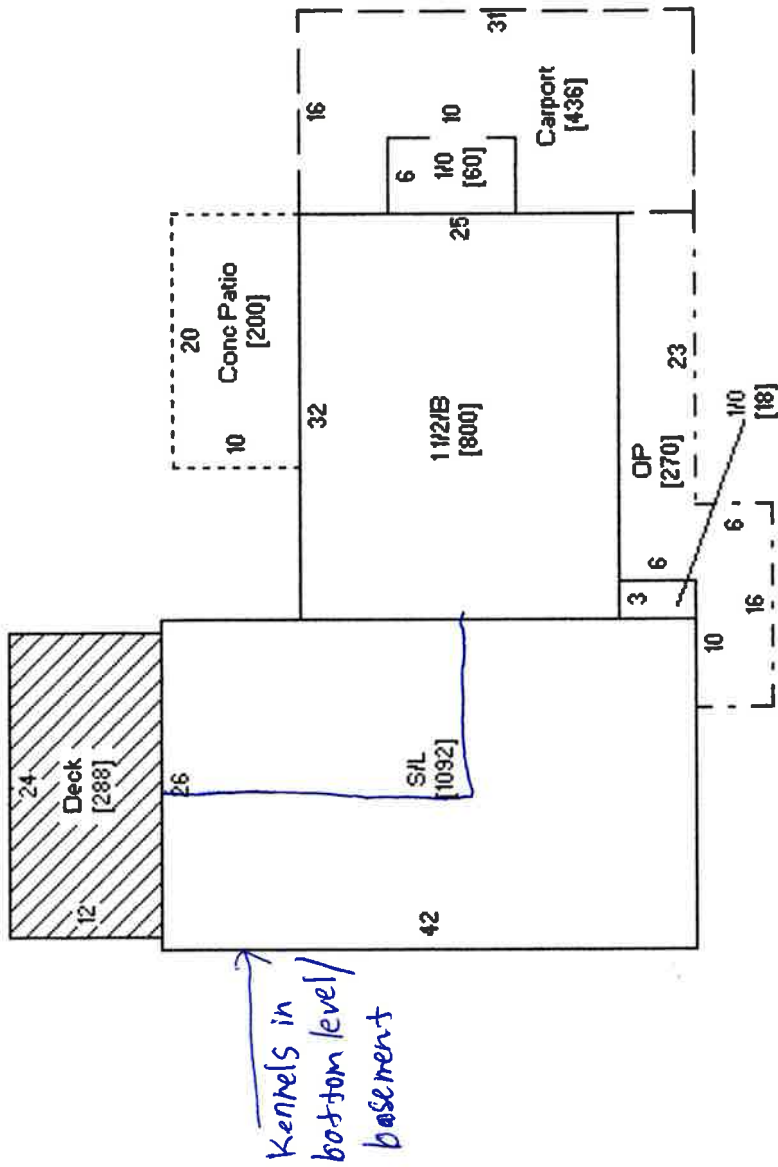
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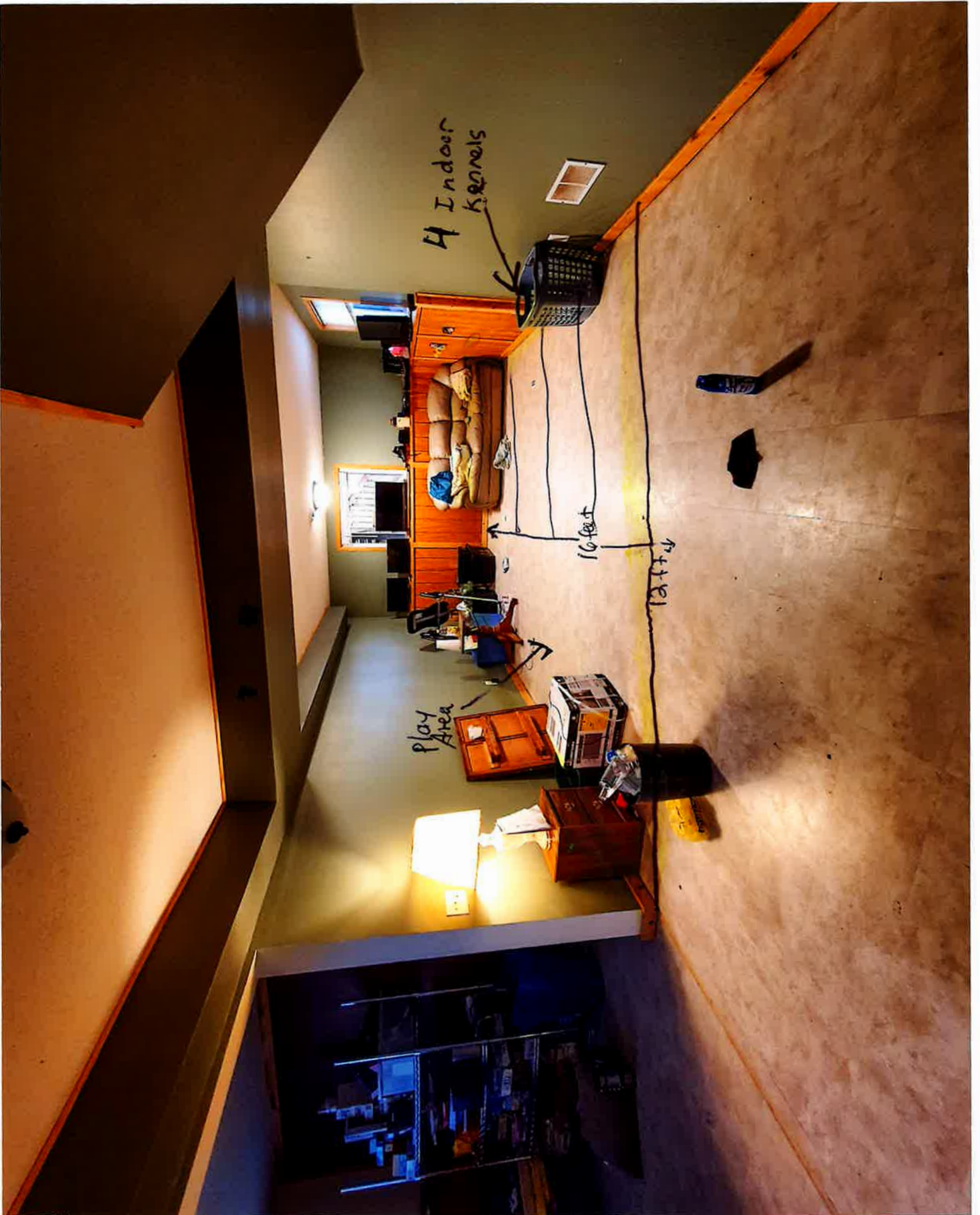
Lot: ROW
Block:

0 20 40 80 Feet



Compos + Dog run parking L sign on side of barn



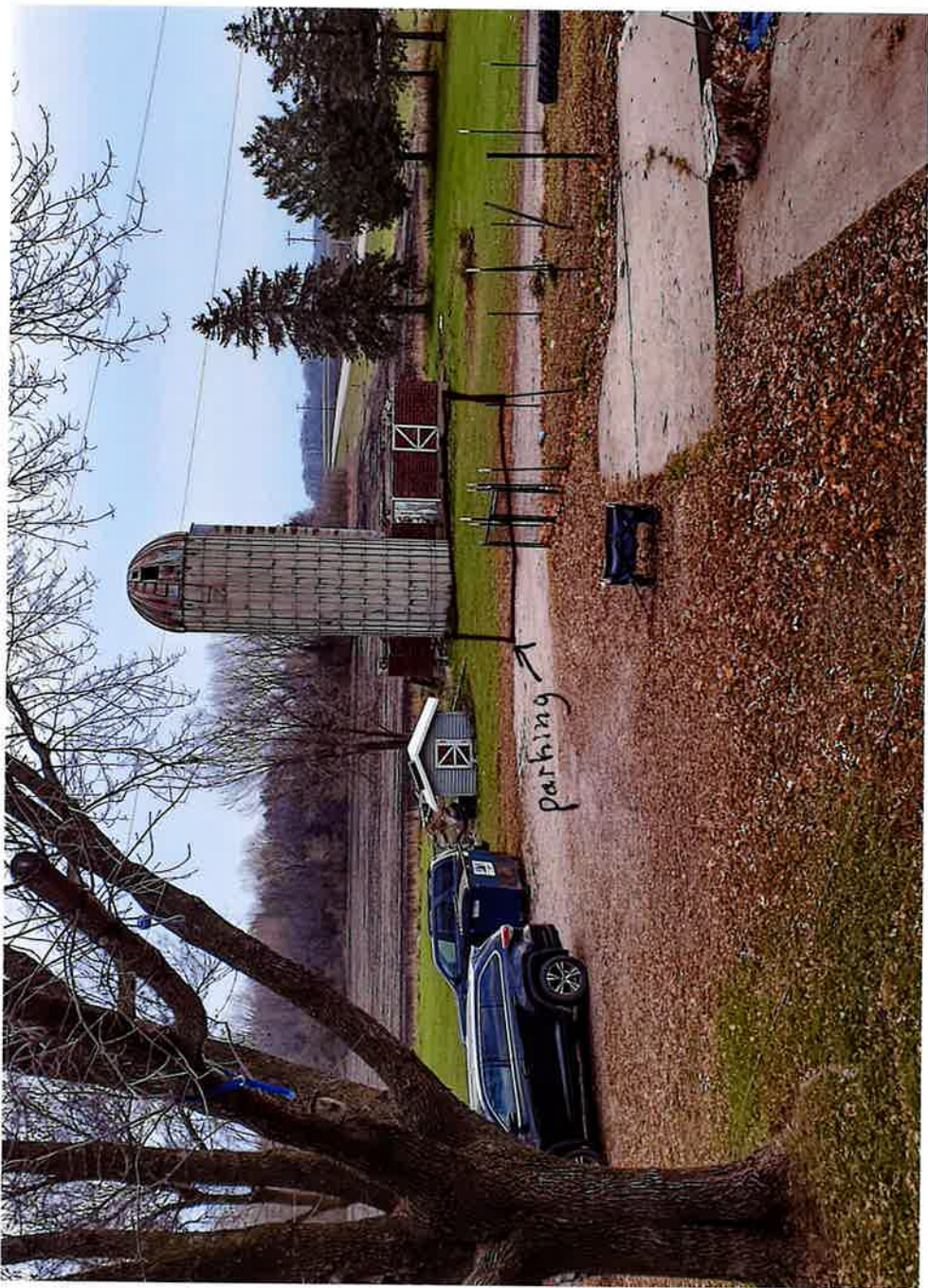


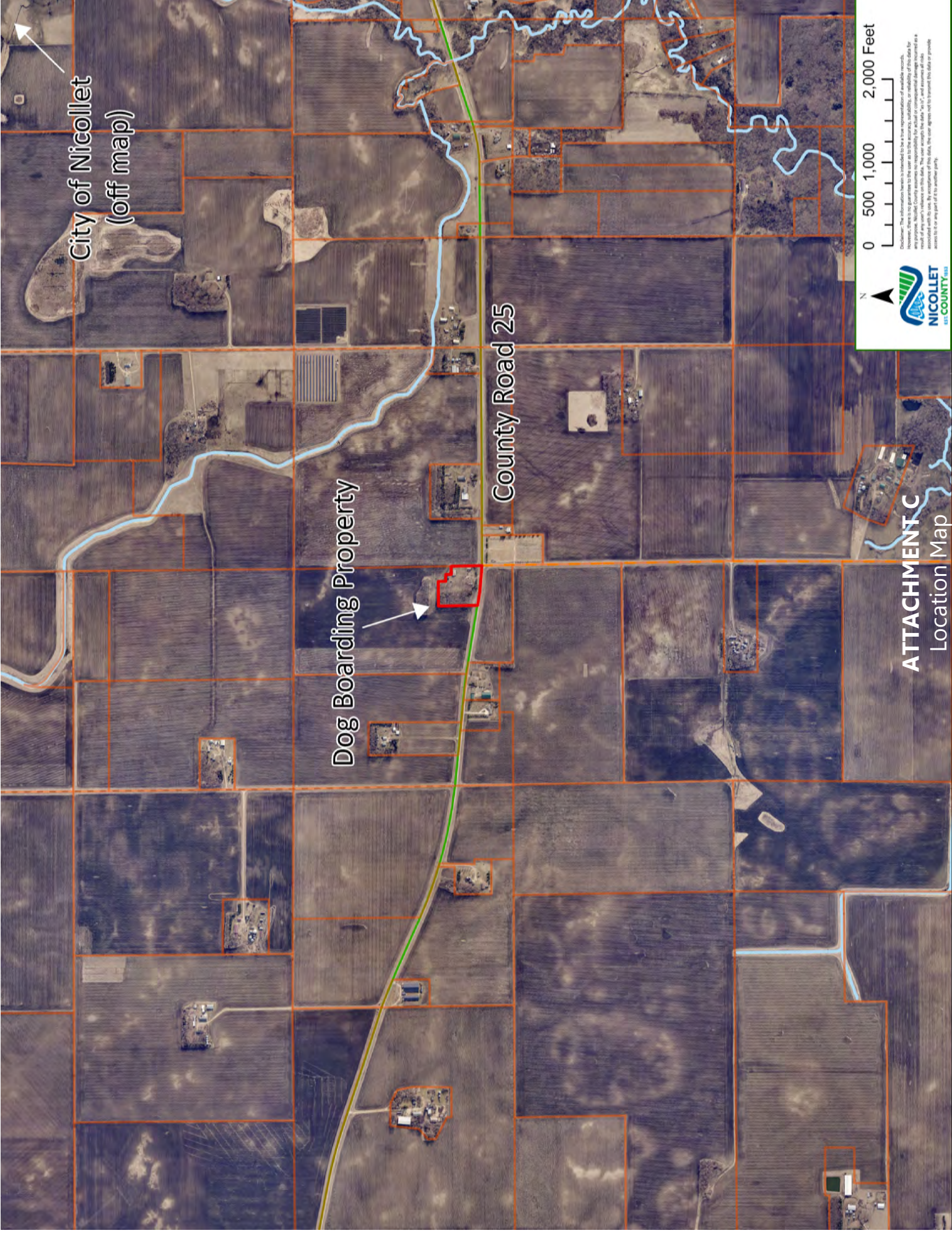
4 Indoor Kennels

Play Area

16 feet

12 feet





City of Nicollet
(off map)

Dog Boarding Property

County Road 25

ATTACHMENT C
Location Map

0 500 1,000 2,000 Feet

N

 NICOLLET COUNTY

Disclaimer: This information herein is intended to be a representation of available records. However, there is no guarantee to the user as to the accuracy, reliability, or validity of this data for any purpose. Nicollet County assumes no responsibility for actual or consequential damages incurred as a result of the use of this information. The user agrees not to forward this data to any other person or entity for any purpose without the prior written consent of Nicollet County.



ATTACHMENT D
Site Photographs





United States
Department of
Agriculture

NRCS
Natural Resources
Conservation Service



Fairbanks Soil and
Water Conservation
District

December 2005

Composting Dog Waste



ATTACHMENT E

USDA Composting Dog Waste Booklet

For More Information

USDA Natural Resources Conservation Service
800 West Evergreen Avenue, Suite 100
Palmer, AK 99645
(907) 761-7760
www.ak.nrcs.usda.gov

Fairbanks Soil and Water Conservation District
590 University Avenue, Suite B
Fairbanks, AK 99709-3641
(907) 479-1213

Credits

Photos by Ann Rippy, Cassandra Stalzer and Mitch Michaud, Natural Resources Conservation Service. Compost bin illustrations by Ellen Million and Noël Bell.

Thanks to the Alaska Department of Environmental Conservation and the U.S. Environmental Protection Agency for support and funding of the original study. And a huge thank you to all the mushers and kennel owners who were willing guinea pigs and creative innovators.

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To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W Whitten Building, 1400 Independence Avenue, SW Washington, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

Introduction

Archeological evidence shows that dogs have been used in Alaska for hundreds of years as transportation, hunting, and pack animals. The tradition of living close to canines continues today as Alaska dogs function as devoted pets, competitive athletes, and tireless laborers.

The Environmental Protection Agency estimates that the typical dog excretes three quarters of a pound of waste per day—or 274 pounds per year¹.

A musher with a modest-sized kennel of 20 dogs must dispose of more than two tons of dog waste annually!

To get an idea of the scale of the dog waste generated in Alaska, consider that in Fairbanks and Anchorage alone, an estimated 20 million pounds of dog waste is produced each year.

Left alone, dog waste can pollute ground and surface water, attract flies and pests, cause an unpleasant odor, and create unsanitary living conditions for dogs.

Dog waste can also transmit parasites and infectious diseases.

Composting dog waste is a simple and inexpensive method for disposing of dog waste that can enhance the environment and reduce the amount of waste deposited in landfills².

Dog waste is a safe soil additive for revegetation and landscaping when it is composted properly.

The goal of the study was to develop easy yet effective dog waste composting practices that reliably destroy pathogens found in some dog feces.

This publication draws upon the results of the original study and more than a decade of additional experience.

The Benefits of Composting

- Composting removes raw dog waste from the environment where it can pollute groundwater and streams.
- Good composting destroys pathogens and produces a safe soil amendment.
- Good on-site composting eliminates transporting dog waste to a disposal facility. This saves time, money, energy, and landfill space.
- Good composting produces a quality soil additive that improves both the physical condition and fertility of the soil.



Composting can reduce the volume of dog waste by 50 percent. The mature compost pile in the foreground once filled the bin seen in the background.

The Dog Waste Compost Study

In 1991 the Fairbanks Soil and Water Conservation District, with technical assistance from the USDA Natural Resources Conservation Service, conducted a study with dog kennel operators to evaluate the possibility of composting dog waste in northern climates.

¹ The actual volume of dog waste depends on the dog and its diet. Working dogs that are fed high protein, high energy diets of concentrated feed will produce less waste than less active dogs that are fed a less concentrated feed.

² This study only included dog waste. Cat and other pet wastes were not studied. Cats may carry parasites that are harmful to human fetuses. We do not recommend adding cat waste or cat litter to your compost.

Uses for Dog Waste Compost

Compost is an excellent source of organic matter to add to your garden or potted plants. It helps improve soil structure which contributes to good aeration and moisture-holding capacity. Compost is also a source of plant nutrients.

Compost can also be used as a mulch material.

Dog waste compost can be used as a soil additive for revegetation, lawn establishment, and planting beds. It should not be used on crops grown for human consumption. When used in a potting mix or flower beds, a 25 percent compost blend is recommended. Compost has a relatively high salinity and is not recommended for germinating seedlings.

What is Composting?

Composting is the controlled breakdown or degradation of organic material into a product known as humus. Dog waste composting is a natural process that requires air, water, organic matter, microbes and a little human intervention.

Supplies

Composting requires a supply of nitrogen-rich materials (sometimes referred to as green or wet materials) and carbon-rich materials (dry or brown materials).

Nitrogen rich (wet) materials include:

- dog waste
- green grass clippings
- vegetable waste
- other animal manures
- bagged fertilizer

Think Protein!

Nitrogen is a major component of protein, so when you look for nitrogen rich materials for your compost, look for materials high in protein like fish waste, blood meal, cottonseed meal, and some kitchen scraps.

Carbon rich (dry) materials include:

- sawdust
- chopped straw or hay
- shredded newspaper
- dog bedding
- fallen leaves

- A long-stemmed thermometer is necessary to monitor compost temperature and can be found at some garden supply stores.
- You might find a moisture meter helpful for monitoring the moisture content of the compost pile.
- You will also need a shovel or fork for turning the compost. Our experience was that a long-handled hay fork is easiest to use when turning and mixing, while a shovel is handy for adding and measuring ingredients.
- You will need some kind of bin to contain the composting material. You can compost in a pile or a pit, but it will be difficult to reach the high temperatures needed to destroy pathogens and the process will take longer. Bins improve aeration and facilitate easy turning of the compost. See bin designs on page 4. You will

need at least two bins, one for collecting waste while the other is actively composting.

- You will also need a reliable supply of water. Although water from a garden hose is fine, you may want to temper your water by letting it sit in the sun to warm before adding it to the compost. Cold water, even from rain, will lower the temperature of the compost. This is one reason to keep a cover on your compost bin.

REMEMBER—Small particles have greater surface area than large



particles. The finer your composting ingredients are chopped, the hotter your compost will be and the faster it will

progress. The best carbon source identified in our study was fine sawdust like that found at a woodworking shop or construction site.



Dog bedding is a ready source of carbon rich material in some kennels.

Composting Dog Waste—Step by Step

There are two methods you can use to build your compost pile. The first is to collect the materials separately and then mix them all at once. The advantage of this method is that the materials will not begin to decompose until mixed. You will get the highest temperatures and the fastest compost when dog manure, carbon, water, and air are all introduced at the same time. However, this method might have a higher “gag factor.”

The second method is to add the carbon source to the dog waste as you collect it from the dog yard and mix it as it is placed in the bin. This method is easier and as long as the pile remains dry, very little decomposition should happen until you are ready to turn the pile and add water. Because the pile of mixed dog waste and carbon will have a less offensive odor than if the materials are collected separately, many people prefer this method.

- To begin, choose a sunny, dry site near the dog area for your compost bin. The site should not be near pregnant or nursing dogs, or where runoff from the pile would flow into the dog yard.
- For every two shovels full of dog waste, add one shovel full of sawdust or other carbon source. Mix thoroughly after each addition.
- Add water in small amounts until the compost mixture is as moist as a wrung out sponge.
- Continue adding ingredients until the compost is two to three feet deep. Once a bin is full, do not continue adding fresh materials.
- Place a cover on the compost mixture. Microbes will begin breaking down the organic materials. As the microbes go to work, they release heat and increase the temperature of the compost pile.
- Insert the compost thermometer daily and record the internal temperature. When the temperature starts to decline—usually in two weeks—it is time to turn the compost.

Compost Recipe

Proportions:

2 shovels full of dog waste
1 shovel full of sawdust or other carbon rich material

Build the pile:

Thoroughly mix sawdust and dog waste, adding water as you go.

Keep covered and let it “cook.”
When the temperature drops, turn the pile.

Repeat until the temperature stops rising after turning.

Cooking time varies from 6 to 8 weeks.

- Turn the entire compost pile—from the outside to the inside—in order to ensure that all the material reaches the high temperatures needed to kill pathogens. Repeat the turning process each time the internal temperature of the compost drops. After several cycles, the compost will not heat up. This indicates that the compost process is complete.
- Cure your finished compost for several months or even a year before using it. This will stabilize the pH and ensure that the decomposition process is complete.



REMEMBER—It takes at least 10 dogs, preferably 20, to generate enough waste to maintain a bin.

A large pile (3 to 5 foot cube) is needed to provide insulation and

keep temperatures high in the pile’s center. For fewer dogs you can keep a separate compost bin for dog waste and add grass clippings or other nitrogen sources to increase the volume. Treat the finished compost as you would other composted dog manure.

Compost and Temperature

The temperature of a compost mixture is very important. It reflects the level of microbial activity. The center of the compost mixture is the hottest, so insert the thermometer toward the center when taking the temperature. Repeat this in several places. Write the temperature with any comments in a daily record.

A thermometer and good record keeping are essential to successfully composting dog waste.



Temperatures in fresh compost mixtures rise quickly—up to 160° F and greater—then decline slowly until the compost temperature approaches air temperature. If you do not see this rapid rise and gradual decline of internal temperatures, the compost recipe may need to be adjusted (see Troubleshooting tips on page 8).

Declining temperatures indicate it is time to turn the compost. Take care to mix the outside materials towards the center. It will take several turnings over a period of six weeks or more for the compost to be mature.

Compost temperatures can get too high. Don't plunge your hand into the center of an active compost pile. In very rare cases, extremely high temperatures can cause a pile to ignite. Add water to a very hot pile to quickly drop the temperature.



Composting and Winter

It is possible to compost into the fall, but eventually the cold inhibits the microbial activity. The result is a build up of dog waste in the winter months. With a little planning, the buildup can be added to bins during the winter, and then effectively composted in the warmer months. During the Fairbanks Soil and Water Conservation District study, these steps encouraged good composting throughout the year:

- When clearing waste from the dog area, add the carbon source directly to your bucket, wheelbarrow or whatever receptacle you use for collection. Mix the carbon source and dog waste together, then add the mix to the compost bin.
- Store the compost ingredients directly in the bins; after spring thaw, turn the pile and add water to begin composting.
- Avoid mixing excess snow with the dog waste.
- Don't let your pile grow too large. If your winter compost pile will exceed five feet across before spring, either start a second pile or consult local NRCS staff for more information on large-scale animal waste composting systems.

Compost Bin Designs

There are many bin designs to choose from and new ideas come along every year. Spend a little time learning about bins now, and you might save yourself frustration and expense later on. Choose a system that meets your individual needs and fits your site.

Wire Cylinder

Wire bins were overwhelmingly preferred by mushers participating in the Fairbanks study. They are inexpensive and can often be built from materials on hand (see instructions on page 7 to easily construct this bin). Some have a wooden frame to provide support, and many can be made larger or smaller to accommodate the amount of material available for composting.



The compost material in wire bins is very easy to turn. The bin can be disassembled then reassembled next to the compost pile. The compost is then turned back into the same bin.

Wire bins allow the most air to reach the material, resulting in high compost temperatures and more complete destruction of pathogens. Wire bins produce hot, fast compost that will mature quickly, but the bins need to be tended more intensively than do other designs.

Wire bins are a good choice where rodents or other pests are a problem.

One drawback to wire bins is that they do not retain heat as well as plastic or wood bins and so probably are not a good choice for cool, wet climates or areas with an extremely short compost season.

Some wire bins are not very sturdy and can be crushed in a busy dog yard. Don't expect light weight wire bins to last more than a few years.

Wire Bin (Puppy Pen)

Puppy pens are a good choice for composters with only a few dogs and who plan to add a lot of leaves and grass clippings to their compost. You can find commercial versions of these wire bins, which makes them convenient for those who don't want to build their own.



Be aware that wire bins with large openings may have trouble containing compost. But like other wire bins this design provides the most air to the compost material, which produces hot, fast compost.

Wire bins do not retain heat as well as plastic or wood bins. They are probably not a good choice for cool, wet climates or areas with a frost-free season of two months or less.

Rigid Plastic Bins

These bins are small and blend in with gardens and landscaping. They tend to stay warmer in cool, wet weather than some of the other designs, which can extend the composting season into the fall months.



If time to tend the pile is limited, then rigid plastic bins are a good choice. You can add material at the top and use an aerator tool for mixing. Finished compost is extracted from an opening in the bottom.

These bins allow less air to reach the material than do wire bins and therefore do not reach the high temperatures you can expect with wire bins. They also are too small to compost waste for large numbers of dogs.

Pallet Bin

Wooden bins that are made from pallets or slab wood are cheap and effective. You can build a bin with four pallets and a few feet of twine in less than an hour.



Pallet bins are not very flexible in terms of size, are very heavy and can make turning the compost difficult. Wood tends to decompose over time and bins will have to be replaced after a few years—particularly in wet climates.

Pallet bins are an excellent choice for storing carbon materials and finished compost.

Pallet bins allow the compost material to receive plenty of air but they are not a great choice if rodents or other pests are a problem. Lining a pallet bin with hardware cloth is an option if pests are a problem.

Tumbler Bins

Tumbler-type compost bins tend to be more expensive to build or purchase. Some incorporate a pipe for passive aeration but all are intended to be rotated to stir the compost.



For many tumbler models, rotating the bin is more difficult than it looks. Physics is on your side but you are still moving the entire contents of the bin at one time. Some bins have the annoying habit of losing the lid and dumping the contents on your feet. If possible, try using the tumbler before you purchase it.

These bins should not be filled more than about one-half full to leave room for mixing. Tumblers allow less air to reach the compost material than do many other systems and do not reach the high temperatures you can expect with wire bins.

Stacking Type

You can purchase a three-tier stacking bin made of recycled plastic or build your own out of wood. Either way, this kind of bin is easy to turn and very tidy looking.



These bins share many of the drawbacks of the rigid plastic bins. They are small and do not allow a lot of air to reach the compost material, but they retain heat well and may extend the compost season.

Passive Aeration

Passive aeration can be used with a variety of bin types. The idea is to get oxygen into the center of the pile without having to turn or stir the compost. Perforated pipe is inserted into the compost as the pile is constructed. The ends of the pipe are left open to allow air exchange.



The initial construction of a passive aeration system requires a little more forethought and a lot more management than a turned pile, but it eliminates much of the work. The compost temperature should

be monitored and water must still be added regularly.

One step up from the passively aerated pile is a forced air system where a blower or pump is connected to pipes to force air into the center of the pile.

For help designing forced aeration and other complex systems consult NRCS or another qualified professional.

Compost Maturity

The easiest way to determine if compost is mature—meaning all the organic materials have degraded—is by monitoring the temperature. If, after several turnings, rewetings and aerations, the compost does not reheat spontaneously, it is probably mature.

Compost maturity has important implications for plant growth. The final step in composting is to cure the compost for at least a month and preferably over winter.

Cured compost does not compete with plants for nutrients. If unfinished compost is mixed into the soil, it may tie up oxygen and nutrients necessary for plant growth. These nutrients are not gone from the soil, but made unavailable to the plants until the organic matter is broken down.



Mature compost has a dark color, is moist and crumbly, and has a pleasant earthy odor.

Health Concerns

All compost contains mold and fungus spores which may cause an allergic response in sensitive individuals.

Keep animals, particularly puppies and pregnant females, away from the compost area to prevent transmitting any disease to other dogs, livestock, and wildlife.

Dogs can transmit diseases to humans regardless of whether you are petting a dog or shoveling waste into a compost bin. Children can be at greater risk because they frequently put their hands and other items in their mouths.



REMEMBER—The best way to decrease health risks associated with dog waste is to have healthy dogs. Follow a worming schedule developed by a veterinarian familiar with local conditions.

Health risks vary depending on the climate, so ask a local veterinarian to recommend a parasite control program suitable for your area.

Although there are many potential pathogens, the primary agents for disease are roundworm eggs. They are too small to see with the human eye. Dogs become infected with roundworms by swallowing the eggs in soil where other dogs have defecated. Infected female dogs pass on roundworms to their puppies. Roundworm eggs hatch in the dog's intestine, migrate through the liver and lungs and return to mature in the intestine. The adult roundworm lays eggs which are passed on to the soil, thus completing the life cycle. If humans ingest the eggs, they hatch in the intestine and migrate to other body tissue like lungs, liver, and spinal cord. The larvae can even attack the retinas in the eye.

In certain geographical areas, other parasites may be a problem. One tapeworm (*Enchinococcus sp.*) found in remote regions can produce life-threatening cysts if ingested.

Disease transmission from most parasites one might encounter when composting dog waste can be avoided by not coming in contact with the eggs.

Do not compost waste from dogs showing signs of disease or illness. This waste should be disposed of in another manner.

Decrease health risks by:

- Wearing rubber gloves and always washing hands after handling dogs or dog waste
- Confining dog waste to a specific area
- Not including waste from unknown dogs
- Keeping dog waste tools and clothing separate from other tools and clothing
- Not feeding dogs raw meat or fish
- Do not allow children to play in areas where dog waste compost has recently been applied
- Consulting a veterinarian about a parasite control program for your area
- Not applying dog waste compost to crops intended for human consumption

Building A Wire Compost Bin

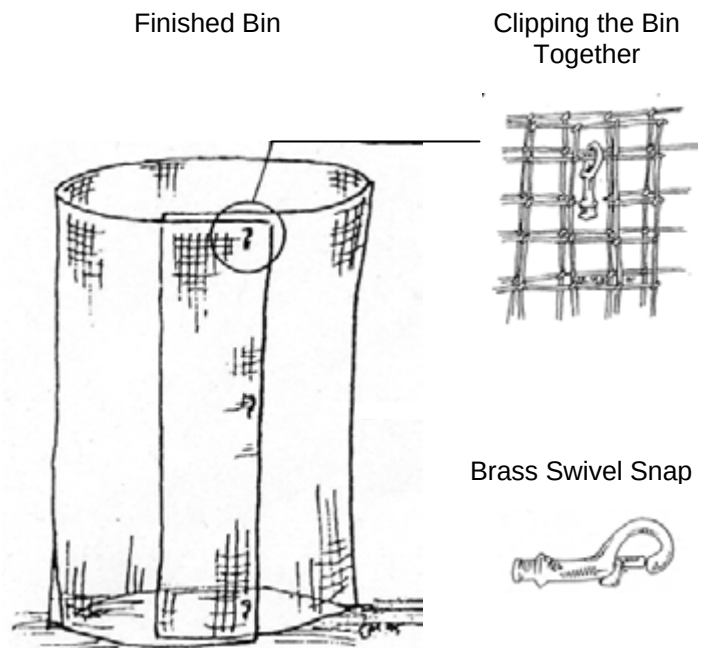
Materials:

- ✓ 10' of ½" hardware cloth, 3' wide
- ✓ 3 swivel snaps
- ✓ Wood or plastic for bin cover

Tools:

- ✓ Wire cutters
- ✓ Gloves
- ✓ Tape measure

Cut a 10' length of hardware cloth. The cloth will naturally form a circle because it has been stored in a roll. Overlap the edges of the cloth by at least 6". Use the wire cutters to remove one side of a ½" square. This makes it easier to clip the swivel snaps into the hardware cloth. The cut will need to go through both layers of hardware cloth. Make three of these cuts evenly distributed along the overlap as shown in the drawing. Clip the bin together using the three swivel snaps. Stand the bin upright and fill the bin with materials to be composted. Cover the bin with a sheet of plastic or piece of plywood to retain heat and keep out rain.



Troubleshooting

Condition	Possible Cause	Solution
Compost does not heat up or heats up slowly	➤ Not enough nitrogen source	Add dog waste or other nitrogen source
	➤ Not enough moisture	Add water
	➤ Not enough air	Turn compost pile
	➤ Too much moisture	Add dry materials, mix and cover
Compost smells bad	➤ Too much nitrogen source	Add sawdust or other carbon source
	➤ Too much moisture	Add dry materials, mix and cover
	➤ Not enough air	Turn the compost pile and/or consider an alternative bin design
Fly infestation	➤ Fresh materials near the surface	Cover new compost with a layer of finished compost, sawdust or wrap bin in porous weed control fabric
Extremely high temperatures in excess of 160°F	➤ Compost pile too large or too much air	Divide compost, add water and turn You can add water in an emergency to quickly lower temperatures

Kennel Name _____

Starting Date _____

[illegible]

DISPLAYNAME	MAILINGADDR	MAILINGCITYSTATEZIP
BODE DAVID A	47426 471ST AVE	NICOLLET MN 56074
BODE JOANNE M	47895 478TH ST	NICOLLET MN 56074
BODE LONNIE	47799 478TH ST	NICOLLET MN 56074
CARLSON HOLLY	47530 478TH ST	NICOLLET MN 56074
ENTER JOEL M & ANIKA K ENTER	48994 475TH AVE	NICOLLET MN 56074
EUERLE MICHAEL	47431 478TH ST	NICOLLET MN 56074
GAPPA CHARLES D & PEGGY S GAPPA	47972 478TH ST	NICOLLET MN 56074
GRUBB GEORGE E & RACHEL A FLOOD-GRUBB	47348 478TH ST	NICOLLET MN 56074
JOHNSON SHARON A	47134 478TH ST	NICOLLET MN 56074-1743
KETTNER LYLE	33706 470TH ST	KASOTA MN 56050-4270
RJB HOLDINGS LLC	49377 478TH ST	COURTLAND MN 56021
TRINITY LUTHERAN CHURCH CEMETERY	604 MAIN ST	NICOLLET MN 56074
Eileen Darling- Nicollet Township	44464 478th St	Nicollet, MN 56074



PLANNING COMMISSION CRITERIA FOR GRANTING A CONDITIONAL USE PERMIT

Name of Applicant Holly Carlson

Hearing December 18, 2023

Property Owner Holly Carlson

Continuation N/A

File PLN23-26

Commission Member Choose an item.

Use Request Establish a dog boarding kennel

FINDINGS OF FACT

Authority for issuance of conditional use permits is derived from Minnesota State Statute §394.301 and Nicollet County Zoning Ordinance, Section 505. The conditional use must maintain the health, safety, morals, and general welfare of the community.

1. Given the nature of the land, the requested use is compatible with public health, safety, and general welfare.

YES ☐ NO ☐ REASON: _____

2. The requested use will not create an unreasonably excessive burden on the existing roads or other utilities.

YES ☐ NO ☐ REASON: _____

3. The requested use is compatible with the surrounding area and will not significantly depreciate nearby properties.

YES ☐ NO ☐ REASON: _____

4. The structure and the use shall have an appearance that will not have an unreasonably adverse effect on nearby properties.

YES ☐ NO ☐ REASON: _____

5. The requested use is consistent with the County Zoning Ordinance.

YES ☐ NO ☐ REASON: _____

ATTACHMENT G
Criteria for Conditional Use Permit

6. The requested use is not in conflict with the County Comprehensive Plan.

YES ☐ NO ☐ REASON: _____

7. The requested use will not create an unreasonably adverse effect because of noise, odor, glare, or general unsightliness, for nearby property owners.

YES ☐ NO ☐ REASON: _____

8. The requested use is reasonably related to the existing land use and environment.

YES ☐ NO ☐ REASON: _____

9. There are no apparent unreasonable health risks posed to neighbors or the public in general.

YES ☐ NO ☐ REASON: _____

10. The requested use _____ have adverse effect upon public health, safety and welfare due to the following other factors.

WILL ☐ WILL NOT ☐ REASON: _____

THE NICOLLET COUNTY PLANNING COMMISSION

☐ RECOMMENDS APPROVAL OF THE REQUESTED USE

☐ RECOMMENDS DENIAL OF THE REQUESTED USE

THIS DECISION WAS BASED UPON

☐ Application

☐ Site visit

☐ Information received at public hearing

☐ Staff Report

☐ Pictures

SPECIAL CONDITIONS ARE LISTED ON THE RECORDED CONDITIONAL USE AND IN THE RECORD.

FACTS SUPPORTING THE ANSWER TO EACH QUESTION ABOVE ARE HEREBY CERTIFIED AS THE FINDINGS OF THE NICOLLET COUNTY PLANNING COMMISSION.

Date: _____ Commission Member: _____



11/01/2023 - 11/30/2023 Permit Form

RECORD ID	RECORD TYPE	DESCRIPTION	ADDRESS	OWNER NAME
BLD23-156	SSTS PERMIT	TANK REPLACEMENT FOR EXISTING SYSTEM FOR A 3 BEDROOM HOUSE	36771 541ST AVE, LAFAYETTE, MN 56055	THOMAS SCHREINER
BLD23-174	SIGN PERMIT	SIGNS APPROVED VIA PLN23-15	45638 561ST AVE, NEW ULM, MN 56073	MN VALLEY LUTHERAN HIGH SCHOOL
BLD23-175	STRUCTURE PERMIT	REPLACEMENT HUNTING SHACK APPROVED VIA PLN23- 18	43958 SCHUCKS PT W - 911 ADDRESS	ROBERT SCHUCK
BLD23-176	STRUCTURE PERMIT	NEW 8,240 SF DWELLING	TBD	PAUL & SUSAN BOETTCHER
BLD23-177	SSTS PERMIT	NEW SEPTIC SYSTEM FOR NEW 3 BEDROOM HOUSE	TBD	PAUL & SUSAN BOETTCHER
BLD23-178	STRUCTURE PERMIT	NEW DWELLING	36387 410TH ST, SAINT PETER, MN 56082	MARTY & MARY MCCABE
PLN23-25	CONDITIONAL USE PERMIT	CUP FOR FILLING OVER 50 CUBIC YARDS	36387 410TH ST, SAINT PETER, MN 56082	MARTY & MARY MCCABE
BLD23-179	SSTS PERMIT	HOLDING TANK FOR SHOP	50753 COUNTY ROAD 13, NORTH MANKATO, MN 56003	JOHN & MARY SLATER
BLD23-148	STRUCTURE PERMIT	6 MONTH PERMIT EXTENSION	47947 370TH STREET, NICOLLET, MN 56074	ROBBY & MELISSA GIESEKE
BLD23-180	SSTS PERMIT	REPLACEMENT SYSTEM FOR A 4 BEDROOM HOUSE	42768 FORT RD, ST. PETER, MN 56082	JERRY & SHIRLEY PAYNE/ DAN WINGERT
BLD23-181	STRUCTURE PERMIT	NEW STORAGE SHEED 42 X 42 SQ FT	44089 490TH ST, NORTH MANKATO, MN 56003	HOPP ALLAN L & PATRICIA L HOPP
PLN23-26	CONDITIONAL USE PERMIT	CUP APPLICATION FOR A KENNEL	47530 478TH ST	HOLLY CARLSON
BLD23-182	STRUCTURE PERMIT	NEW GRAIN BIN 3/1/2024	47947 370TH STREET, NICOLLET, MN 56074	ROBBY & MELISSA GIESEKE



PROPERTY SERVICES DEPARTMENT

NICOLLET COUNTY GOVERNMENT CENTER
501 S. MINNESOTA AVENUE
ST PETER, MN 56082
DIRECT (507) 934-7070 FAX (507) 931-0856

BOARD OF ADJUSTMENT AND APPEALS & PLANNING COMMISSION 2024 HEARING DATES

APPLICANT DEADLINE BAA/PC HEARINGS	BAA & PC HEARINGS	BOARD OF COMMISSIONERS	FEEDLOT PERMITS
December 29	January 22	February 13	February 8
February 2	February 26	March 12	March 4
February 26	March 18	March 26	April 1
March 25	April 15	April 23	May 6
April 29	May 20	May 28	June 3
May 24	June 17	June 25	July 1
June 21	July 15	July 23	August 5
July 29	August 19	August 27	August 30
August 23	September 16	September 24	October 7
September 30	October 21	November 12	November 1
October 25	November 18	November 26	December 2
November 21	December 16	January 7, 2025	January 10, 2025

*Applications must be submitted **BEFORE 3:30 p.m.** on the deadline date.*