

PLANNING AND ZONING ADVISORY COMMISSION AGENDA

Date: May 16, 2022

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 Ave., St. Peter, MN

Copies of the meeting agenda and packet are available on the Nicollet County website at:

<https://mn-nicolletcounty.civicplus.com/AgendaCenter>

Questions or comments regarding the meeting can be directed to Pete Otterness, Property & Public Services Assistant Director, at 507-934-7070, or pete.otterness@co.nicollet.mn.us.

1. Call to Order
2. Roll Call
3. Review of Cancellations and Additions
4. Approval of Minutes: *March 21, 2022*
5. **PUBLIC HEARING: PLN 22-04**
 - Applicant: Hoffman Construction Company
 - Landowner: John Heymann
 - Request: Conditional Use Approval for mineral extraction
 - Location: Part of Northeast ¼ of the Northeast ¼ of Section 34-110-30 in Courtland Township
 - Parcel Number: 04.034.0500, 04.034.0600, 04.034.0700, 04.034.1400, 04.034.1300, 04.034.1200, 04.034.1100, 04.034.1000, 04.034.1600
6. **PUBLIC HEARING: PLN 22-05**
 - Applicant: Wayne Havemeier
 - Landowner: Wayne & Shelly Havemeier
 - Request: Conditional Use Approval for a swine feedlot
 - Location: Northwest ¼ of the Northwest ¼ of Section 9-110-29 in Brighton Township
 - Parcel Number: 03.009.0100
7. Review Permits
8. Old Business
9. Other Business – Deer farm moratorium, roof-mounted solar on permitted existing structures in the Shoreland District Text Amendment
10. Communications – County Board meets May 24th, 2022
11. Adjourn

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

Core Values

Leadership. Integrity.
Accountability.
Efficiency. Innovation.



Planning & Zoning Advisory Commission

MINUTES

MARCH 21, 2022

7:00 PM

NICOLLET COUNTY
GOVERNMENT CENTER

BOARD MEMBERS	Justin Laven ☒ Chair	David Hermanson ☒ Vice Chair	Marie Dranttel ☒ Commissioner Terry Morrow ☐ Commissioner, Alternate
	Dave Ubel ☒	Lloyd Hoffmann ☒	
ABSENT EXCUSED	Justin Laven ☐ Chair	David Hermanson ☐ Vice Chair	Marie Dranttel ☐ Commissioner Terry Morrow ☐ Commissioner, Alternate
	Dave Ubel ☐	Lloyd Hoffmann ☐	
ABSENT	Justin Laven ☐ Chair	David Hermanson ☐ Vice Chair	Marie Dranttel ☐ Commissioner Terry Morrow ☐ Commissioner, Alternate
	Dave Ubel ☐	Lloyd Hoffmann ☐	
STAFF PRESENT	Property and Public Services Assistant Director, Pete Otterness ☒		
	Deputy Zoning Administrator, Spencer Crawford ☒		
	Assistant County Attorney, Megan E. Gaudette Coryell ☒		
	Other Staff ☒ Property and Public Services Director, Jaci Kopet		

ELECTION OF OFFICERS FOR 2022	
CHAIR	Laven nominated Hermanson for chair, seconded by Ubel. The Board voted to unanimously to elect Hermanson as Chair for 2022.
VICE CHAIR	Laven nominated Ubel for Vice chair, seconded by Hermanson. The Board voted to unanimously to elect Ubel as Vice Chair for 2022.

REVIEW OF CANCELLATIONS & ADDITIONS		None.	
MOTION TO APPROVE MINUTES OF JANUARY 24, 2022		APPROVE ☒	APPROVE WITH REVISIONS ☐
1 ST	Justin Laven ☐ Chair	David Hermanson ☒ Vice Chair	Marie Dranttel ☐ Commissioner Terry Morrow ☐ Commissioner, Alternate
	Dave Ubel ☐	Lloyd Hoffmann ☐	
2 ND	Justin Laven ☐ Chair	David Hermanson ☐ Vice Chair	Marie Dranttel ☐ Commissioner Terry Morrow ☐ Commissioner, Alternate
	Dave Ubel ☒	Lloyd Hoffmann ☐	

VOTE TO APPROVE MINUTES	PASS ☒	FAIL ☐	VOTE: 5-0
PUBLIC APPEARANCES	Annie Hendrick with Cedar Creek Energy spoke to request a text amendment to allow residential roof mounted solar in the Shoreland District. The board voted 4-0 to direct staff to investigate and return findings for a potential amendment.		

PUBLIC HEARINGS:

NOVEL ANIKA SOLAR LLC PLN22-001 LARGE SOLAR ENERGY SYSTEM

APPLICANT COMMENT	Brittney Krebsbach represented Novel Anika Solar LLC at the hearing.		
PUBLIC COMMENT	None.		
PUBLIC TESTIMONY	None.		
PUBLIC PARTICIPATION	None.		
MOTION	APPROVE WITH CONDITIONS ☒ APPROVE WITH AMENDED CONDITIONS. CONDITION 19 WAS ADDED STATING THE APPLICANT MUST MAINTAIN A BOND OF NO LESS THAN THEIR ANTICIPATED COST OF DECOMMISSIONING (\$32,617) PLUS 3.5% OF THIS AMOUNT FOR EACH YEAR OF ANTICIPATED SERVICE (30 YEARS), FOR A TOTAL OF \$66,864.85. DENY ☐		
1ST	Justin Laven ☐ Chair	David Hermanson ☒ Vice Chair	Marie Dranttel ☐ Commissioner Terry Morrow ☐ Commissioner, Alternate
	Dave Ubel ☐	Lloyd Hoffmann ☐	
2ND	Justin Laven ☒ Chair	David Hermanson ☐ Vice Chair	Marie Dranttel ☐ Commissioner Terry Morrow ☐ Commissioner, Alternate
	Dave Ubel ☐	Lloyd Hoffmann ☐	
COMMISSIONER DISCUSSION	Commissioner Marie Dranttel discussed the density of solar in Nicollet County and neighboring counties. PC Ubel asked the applicant representative why some wiring was being abandoned in ground, as this has the potential to be a problem for farming the area in the future. The applicant responded that it is common practice to leave some wiring in the ground. PC Ubel asked the applicant about decommissioning and the feasibility of equipment recycling. PC Ubel then asked staff if a decommissioning bond could be put into place to cover the cost of removal with inflation. Full Board discussed the bond and a condition was imposed to require a decommissioning bond for this project.		
VOTE TO APPROVE REQUEST	PASS ☒	FAIL ☐	VOTE: 5-0
FINDINGS OF FACT			
MOTION TO ADOPT FINDINGS			
1ST	Justin Laven ☒ Chair	David Hermanson ☐ Vice Chair	Marie Dranttel ☐ Commissioner Terry Morrow ☐ Commissioner, Alternate
	Dave Ubel ☐	Lloyd Hoffmann ☐	
2ND	Justin Laven ☐ Chair	David Hermanson ☐ Vice Chair	Marie Dranttel ☐ Commissioner Terry Morrow ☐ Commissioner, Alternate
	Dave Ubel ☒	Lloyd Hoffmann ☐	
VOTE TO ADOPT FINDINGS	PASS ☒	FAIL ☐	VOTE: 5-0

JEFFERY LEONARD PLN22-003 REGISTERED LAND SURVEY #78

APPLICANT COMMENT	None.
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PUBLIC COMMENT	None.		
PUBLIC TESTIMONY	None.		
PUBLIC PARTICIPATION	None.		
MOTION	APPROVE WITH CONDITIONS ☒		DENY ☐
1ST	Justin Laven ☒ Chair	David Hermanson ☐ Vice Chair	Marie Dranttel ☐ Commissioner Terry Morrow ☐ Commissioner, Alternate
	Dave Ubel ☐	Lloyd Hoffmann ☐	
2nd	Justin Laven ☐ Chair	David Hermanson ☐ Vice Chair	Marie Dranttel ☐ Commissioner Terry Morrow ☐ Commissioner, Alternate
	Dave Ubel ☐	Lloyd Hoffmann ☒	
COMMISSIONER DISCUSSION		The Board asked if the Registered Land Survey changed any of the property lines. Staff responded no.	
VOTE TO APPROVE REQUEST	PASS ☒	FAIL ☐	VOTE: 5-0

OTHER:

OLD BUSINESS	None.		
OTHER BUSINESS	Deputy Zoning Administrator Crawford stated that an individual had spoken at a recent County Board of Commissioners meeting to request a moratorium on new deer farms. Property and Public Services Assistant Director Otterness stated that moratoriums may only last for one year and that he and staff cannot remember the last time the County received an application for a new deer farm. PC Ubel mentioned any ban on deer farms should be a state requirement from the Minnesota Department of Natural Resources. Mr. Crawford mentioned that more information would be provided at a future meeting and there could be a vote.		
REVIEW OF PERMITS	All permits issued from 07/01/21 to 02/28/22 were presented to the Board. No additional questions were asked.		
COMMUNICATIONS	None.		
MOTION TO ADJOURN	8:45 PM		
1ST	Justin Laven ☒ Chair	David Hermanson ☐ Vice Chair	Marie Dranttel ☐ Commissioner Terry Morrow ☐ Commissioner, Alternate
	Dave Ubel ☐	Lloyd Hoffmann ☐	
2ND	Justin Laven ☐ Chair	David Hermanson ☐ Vice Chair	Marie Dranttel ☐ Commissioner Terry Morrow ☐ Commissioner, Alternate
	Dave Ubel ☒	Lloyd Hoffmann ☐	
JUSTIN LAVEN, CHAIR		DATE	
SPENCER CRAWFORD, DEPUTY ZONING ADMINISTRATOR		DATE	



CONDITIONAL USE PERMIT

MINERAL EXTRACTION PERMIT

Hoffman Construction Company/ John Heymann

PLN22-04

**NICOLLET COUNTY
PLANNING & ZONING ADVISORY COMMISSION**

SUBJECT:	Conditional Use Permit, PLN22-004
APPLICANT:	Hoffman Construction Company
LANDOWNER:	John Heymann
LOCATION:	Northeast ¼ of the Northeast ¼ of Section 34-110-30 in Courtland Township
PARCEL NO:	04.034.0500, 04.034.0600, 04.034.0700, 04.034.1400, 04.034.1300, 04.034.1200, 04.034.1100, 04.034.1000, 04.034.1600
EXISTING ZONING:	Conservancy
HEARING DATE:	May 16 th , 2022
COUNTY BOARD DATE:	May 24 th , 2022

REQUEST

Hoffman Construction Company has submitted a request for a conditional use permit to establish a new mineral extraction pit. The proposal consists of extracting an estimated 310,000 cubic yards of fill material from 11.8 acres of land to be used for the Minnesota Department of Transportation (MNDOT) expansion of Highway 14. The applicant intends to close and stabilize the site by the end of 2023 when it is no longer needed for the highway project.

ORDINANCE:

Mineral extraction operations are required to obtain a Conditional Use Permit (CUP) per Nicollet County Zoning Ordinance Section 724.2(1)(A) *Permit Required*, unless they qualify for an exemption under subsection B. Although the proposal is temporary in nature, it does not qualify as an exemption to the CUP requirement as it will operate longer than 90 days.

The proposal seems to meet all the requirements as listed in Nicollet County Zoning Ordinance Section 724 *Mineral Extraction*.

EXISTING LAND USE

The property is currently being used for agricultural production with some areas being forested. The proposed area consists of 8 lots which range from 2-2.5 acres. They were likely split in their existing configuration for residential development, but only one could be considered buildable per the current standard of one dwelling per quarter-quarter.

SURROUNDING LAND USE

The property is wrapped by small patches of forest and surrounded by a variety of land uses such as a subdivision to the east, a mineral extraction operation to the southeast, and cropland to the south, west, and north. Heymans creek runs through the bottom of a bluff the separates the proposal from the neighborhood to its east.

PROJECT DESCRIPTION

Equipment Used and trips per day:

The applicant intends to use excavators, scrapers and bulldozers to extract the soil, while 6 off-road trucks make a combined 200 trips per day hauling the excavated soil along Highway 14. The highway will be closed and equipment will not come into contact with traffic during regular operation.

Proposed Improvements & Access:

The applicant is not proposing to place any temporary or permanent structures and an existing access road will be used. A tracking pad will be installed in 2023 when the highway is closer to completion; the applicant states it is not needed beforehand as the road will be closed to the public. Trees and shrubbery within the extraction area will be removed.

Blasting:

No blasting will be performed on site.

Bond:

Per Nicollet County Zoning Ordinance 724.2 (4), a bond of \$5,000 per actively mined and not yet reclaimed acre is required. The applicant is proposing to use 11.8 acres, so the bond amount for this project is \$59,000.00. The bond must remain valid for a period of one year after the permit expires and the county must be notified in the instance of cancelation or non-renewal. Staff have included this bond amount along with all ordinance requirements as a recommended condition of approval.

Dust, Noise, and Odor Control:

The applicant intends to apply 0 to 9000 gallons of water per day as needed via trucks to control dust on the property. All noise created will be during daylight hours, and the applicant made no statement in regard to odor.

Hours of Operation:

The proposed operation hours are from Monday-Friday from 6:30 am to 6:30 pm.

Water:

Stormwater is being controlled through a berm that spans the extraction area just under the top ridge, with a silt fence running along the lower areas to prevent runoff. The berm will consist of topsoil from the site that is being stored for reclamation. Rock berms or dikes will be used as needed to slow water down.

The stormwater site plans show minimal change in water flow after reclamation is completed, and the applicant claims water will flow slower due to the final grade being less steep. Staff have recommended that a completed Stormwater Pollution Prevention Plan be submitted to the county before the permit is issued.

Waste Disposal:

No hazardous substances that would need special disposal are being stored on site.

Parking:

Parking will be near the site entrance within the Highway 14 right of way.

Safety Fencing:

Nicollet County Zoning Ordinance Section 724.5(15)(B) requires safety fencing whenever a mineral extraction operation is adjacent to a residential zone and contains a slope greater than 33% for one month or more. The applicant's final grade is over 33%, but the ordinance does not provide a definition on what is considered adjacent to a residential zone.

The Merriam-Webster Dictionary provides three definitions for the term adjacent:

- Not distant, nearby
- Having a common endpoint or border
- Immediately preceding or following

The proposed mineral extraction operation does not have a common endpoint or border with the residentially zoned neighborhood to the east, nor is it immediately preceding the residential district. This is due to several small buffer lots that span Heyman Creek between the proposed mineral extraction operation and the neighborhood. However, one could say that the residentially zoned area is nearby the proposed mineral extraction operation.

Steep slope screening must consist of a fence or some similarly effective barrier, such as a snow fence, at least four (4) feet in height. The ravine separating the proposed mineral extraction operation and the neighborhood to the east contains a creek and several steep and forested slopes, thereby creating a natural barrier. Given the natural barrier created by the ravine and Heymans Creek, staff have not included a safety fence as a proposed condition of approval.

Screening:

Nicollet County Zoning Ordinance 724.5(16) requires screening in the following circumstances:

- When an adjacent property contains improvements.
- When the facility is within 500 feet of an adjacent road.
- When the facility visually impacts historical, cultural, or recreational features, including, but not limited to, trails, navigable waters, and sites identified in the State Historic Preservation Office and County cultural databases.

The proposed pit is not adjacent to improved properties or within visual distance to a qualifying feature. It is within 500 feet of Highway 14, but the bluff and existing trees qualify as a natural screen under the ordinance.

Setbacks:

Nicollet County Zoning Ordinance 724.5(17) requires the following setbacks, to which commentary for each has been provided below:

- Fifty (50) feet from any property line, except for visual screening, reclamation, and berming of overburden material, unless written consent of the owner of the adjoining property is first secured, recorded with the County Recorder, and a copy submitted to the Zoning Administrator.

The proposed mineral extraction pit spans several parcels in common ownership by John Heymann. The applicant has provided documentation that Heymann has given them permission to operate a mineral extraction pit across all associated parcels.

- Five hundred (500) feet from any existing residential or commercial structures, not owned by the operator or owner of the mineral extraction site, and any residential zoning district.

The site plans submitted by the applicant show the proposed mineral extraction pit more than 500 feet away from the residentially zoned area to the east.

- One hundred (100) feet to the boundary of any zoning district where such operations are prohibited, unless written consent of the owner of the adjoining property is first secured, recorded with the County Recorder, and a copy submitted to the Zoning Administrator.

The proposal is not within 100 feet to the boundary of any zoning district where such operations are prohibited.

- 100 feet from the right-of-way line of any existing or platted street, road, or highway, except for maintenance activities.

The proposal is within 100 feet of Highway 14, but it falls within the maintenance activities exception.

Signage:

No signage is proposed as Highway 14 will be closed.

Reclamation Plan:

The applicant has submitted a restoration plan. The entire extraction area will be seeded with roadside mix 25-141, and the areas that are flat enough to farm will be returned to agricultural production at the discretion of the landowner.

Roadside mix 25-141 consists of the following:

Common Name	Percent
Smooth Brome	13.14%
Slender Wheatgrass	3.40%
Perennial Ryegrass	22.46%
Park Kentucky Bluegrass	26.69%
Canada Bluegrass	12.71%
Switchgrass	2.54%
Fowl Bluegrass	6.78%
Timothy	2.97%
Alfalfa	5.92%
White Clover	3.39%

The stored topsoil used to create the berms will be spread evenly throughout the site, with erosion being controlled by a combination of mulching, hydroseed, and erosion control blankets. No new structures, paths or ponds are proposed.

MINNESOTA POLLUTION CONTROL AGENCY

The applicant is required to maintain a National Pollutant Discharge Elimination System (NPDES) permit from the Minnesota Pollution Control Agency. Verification the applicant has a valid NPDES permit will be submitted to Property Services.

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.

CONDITIONAL USE PERMIT CRITERIA

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

True, because:

- The request seems to meet the standards for a mineral extraction Conditional Use Permit as listed in section 603 and 724 of the zoning ordinance.
- The request protects public health, safety, and welfare by providing the necessary material for a critical public infrastructure project.

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

True, because:

- Trucks and equipment from this operation will travel and deliver fill material along the Highway 14 when it is closed to the public for construction. Impact to publicly accessible roads is expected to be minimal.
- The request is associated with the expansion of Highway 14, which will alleviate the burden on existing roads.

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

True, because:

- Mineral Extraction is an allowed conditional use in the Conservancy District.
- The request seems to meet the standards for a mineral extraction Conditional Use Permit as listed in section 603 and 724 of the zoning ordinance.
- The mineral extraction operation is temporary and will end when the Highway 14 expansion project is complete.
- The request is screened from nearby residential uses by trees and bluffs.
- Mineral extraction operations are common in this area.

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

True, because:

- The request seems to meet the screening standards as listed in section 724.5(16) of the zoning ordinance.

- The mineral extraction operation is temporary and will end when the Highway 14 expansion project is complete.
- The applicant has submitted a reclamation plan that seems to meet the requirements as listed in section 724.6 of the zoning ordinance.

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

True, because:

- Mineral Extraction is an allowed conditional use in the Conservancy District.
- The request seems to meet the standards for a mineral extraction Conditional Use Permit as listed in section 603 and 724 of the zoning ordinance.

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

because:

- The comprehensive plan states that the aggregate industry provides vital jobs for residents and revenue for local businesses.
- The request is associated with the expansion of Highway 14, which furthers the comprehensive plan goal of improving the transportation network.

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

True, because:

- Noise will be generated within the hours specified by the ordinance or set by the Board.
- No unreasonable odors are expected and the applicant is not using a hot mix plant on site.
- The applicant is not using any equipment or constructing a structure that would cause unreasonable glare.
- The operation is screened from nearby uses by trees and bluffs.
- The applicant and property owner must comply with the Minnesota noxious weed law.

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

True, because:

- Mineral Extraction is an allowed conditional use in the Conservancy District.
- The proposal has direct access to the Highway 14 expansion project area.

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

True, because:

- The applicant is not using explosives.
- The applicant has not indicated they are using chemicals that would be harmful to the public.
- The applicant has indicated they are not emitting airborne pollutants outside of what is expected from a fill dirt mineral extraction operation.
- All extraction operations are taking place above the water table.
- The request seems to meet the standards for a mineral extraction Conditional Use Permit as listed in section 603 and 724 of the zoning ordinance.

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

Will Not, because:

- The applicant is not using explosives.
- The applicant has not indicated they are using chemicals that would be harmful to the public.
- The applicant has indicated they are not emitting airborne pollutants outside of what is expected from a fill dirt mineral extraction operation.
- All extraction operations are taking place above the water table.
- The request seems to meet the standards for a mineral extraction Conditional Use Permit as listed in section 603 and 724 of the zoning ordinance.

RECOMMENDATIONS

1. The applicant shall undertake 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 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 conditions and all other applicable statutes, rules, and ordinances.
4. The bond shall be submitted and amended as needed to cover the amount of actively mined acres and not yet reclaimed acres. The bond must be kept in force during the time of operation. The bond must be in place prior to issuance of this conditional use permit.

5. A continuation certificate of the bond shall be sent to Property Services with no lapse in time during the course of this permit.
6. The applicant shall provide written verification they have obtained or are exempt from a National Pollutant Discharge Elimination System permit from the Minnesota Pollution Control Agency before the issuance of this permit.
7. The applicant shall provide verification they have an approved Stormwater Pollution Prevention Plan from the Minnesota Pollution Control Agency before the issuance of this permit.
8. The applicant and landowner will comply with the Minnesota noxious weed law.
9. The hours of operation will be within 7:00 am to 7:00 pm Monday through Saturday.
10. Any structural alteration, expansion, intensification of use, or similar change shall be treated in the same manner as a request for a new conditional use permit.

Applicant: Hoffman Construction Company
Landowner: John Heymann

PLN22-04

ATTACHMENT A	Application
ATTACHMENT B	Criteria for Conditional Use Permit
ATTACHMENT C	Location Map
ATTACHMENT D	Aerial Map
ATTACHMENT E	Submitted by Applicant
E1.	Applicant Checklist
E2.	Applicant Questionnaire
E3.	Applicant Findings of Fact Criteria
E4.	Site Aerial Map
E5.	Map A, Existing Conditions – Existing Contours
E6.	Map B, Proposed Conditions – Interim Contour
E7.	Cross Sections
E8.	Erosion - Existing Water Flow
E9.	Erosion - Proposed Water Flow
E10.	Erosion Controls
E11.	Landowner Permission
ATTACHMENT F	Neighbor Notification List



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

PLANNING & ZONING ADVISORY COMMISSION
APPLICATION

Total Fees: \$496.00

Map#: 1034200011

Parcel#: 040341200, 040340500, 040340600, 040340700, 040341400, 040341300, 040341100, 040341000, 040341600

Permit#: PLN22-004

Date: April 19, 2022

Applicant: Jason Ivers, Hoffman Construction Company, 123 County Rd A, Black River Falls WI 54615

Phone: 715-533-2331

Owner: HEYMANN JOHN H, 316 S STATE ST, NEW ULM MN 56073

Property Address: 0,

Abbreviated Legal Description: SEE TITLE REPORT

Township: Courtland Township

Record Type: Conditional Use

Category: Mineral Extraction

Project Description: Conditional Use Permit for mineral extraction to supply fill dirt for the expansion of Highway 14.

Planning Commission Hearing Date: 05/16/2022

Board of Commissioners Date: 05/24/2022

APPLICANT SIGNATURE

4/21/2022

DATE

ATTACHMENT A
Application



**NICOLLET COUNTY PLANNING AND ZONING ADVISORY COMMISSION
CRITERIA FOR GRANTING A CONDITIONAL USE PERMIT**

Name of Applicant/ Hoffman Construction Company
Property Owner: John Heymann

Date: May 16, 2022

File #: PLN22-04

PC Name: _____

Use Requested: Conditional Use Permit for mineral extraction

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 the general welfare, public health and safety

☐ YES ☐ NO **WHY:** _____

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

☐ YES ☐ NO **WHY:** _____

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

☐ YES ☐ NO **WHY:** _____

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

☐ YES ☐ NO **WHY:** _____

ATTACHMENT B
Criteria for CUP

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

☐ YES ☐ NO **WHY:** _____

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

☐ YES ☐ NO **WHY:** _____

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 **WHY:** _____

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

☐ YES ☐ NO **WHY:** _____

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

☐ YES ☐ NO **WHY:** _____

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

☐ YES ☐ NO **WHY:** _____

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

THE NICOLLET COUNTY PLANNING AND ZONING ADVISORY COMMISSION:

(☐ APPROVES) (☐ DENIES)

THE REQUESTED CONDITIONAL USE PERMIT

This decision is based on:

- ☐ Application
- ☐ Staff Report
- ☐ Pictures
- ☐ Information received at public hearing

Viewed by Members of Board:

- ☐ Laven
- ☐ Hermanson
- ☐ Ubel
- ☐ Hoffmann
- ☐ Dranttel
- ☐

Facts supporting the answer to each question above are hereby certified as the Findings of the Nicollet County Planning and Zoning Advisory Commission.

Date: _____ Chair: _____



Disclaimer: The information herein is intended to be a true representation of available records. It is not a warranty, representation, or guarantee of any kind. The user agrees not to transmit this data or provide access to it to any other party.



ATTACHMENT C Location Map

HOFFMAN CONSTRUCTION CO.



123 CTH A
Black River Falls, WI 54615
Phone (715) 284-2512 Fax (715) 284-9698
www.hoffmanconstructionco.com

Nicollet County CUP Application
Borrow Pit for Hwy 14 MNDOT Project
Hoffman Construction Company
123 CTH A
Black River Falls, WI 54615
715-284-2512

General Application Information:

- **Applicant:** Hoffman Construction Company, 123 CTH A Black River Falls, WI 54615, Phone Number: 715-284-2512, Email Address: jivers@hoffcons.com, www.hoffmanconstructionco.com
- **Property Owner:** John Heymann, Address: 316 S. State St New Ulm, MN 56073, Phone Number: 507-766-3419, Email Address: jhheymann@comcast.net
- **Total Acres Owned by Landowner:** 34.92 acres
- **Total Acres of mineral extraction facility:** 11.8 acres
- **Parcel ID Numbers:** 04.034.1600; 04.034.1610; 04.034.1400; 04.034.0500; 04.034.0400; 04.034.1605; 04.034.1300; 04.034.0600; 04.034.1200; 04.034.0700; 04.034.1100; 04.034.0800; 04.034.1000; 04.034.0900; 04.034.1610
- **Lease Agreement:** Hoffman Construction has an agreement with the landowner to extract material that is good until the end of 2023. This would be when we plan to be done with the project and mineral extraction on the site.
- **Material Type/ Quantity:** We also plan to extract around 310,000 cy of borrow / fill material that will be used to build the roadway. The material will be hauled with offroad vehicles, either offroad trucks or scrapers, from the site to the roadway. When this is being performed the roadway will be closed to traffic. We will strip all the topsoil off the site of the extraction area and store it on site. Once the extraction is complete, we will shape the area of extraction to drain and place the topsoil that was striped back to get seeded and stabilized. We do not plan to perform any blasting on the site.
- **Estimated Time Frame:** We plan to open the site up this spring once we get the proper permitting. The pit will be open until the fall of 2023, our goal is to have the site closed by the end of October 2023 and stabilized. Hours of operation plan to be Monday – Friday 6:30am – 6:30pm. Saturdays are not foreseen but would be used if needed due to weather holding up progress on the project. We would plan to use the site from April to mid-November for both years the site would be open.

Existing Conditions Site Plans:

- **Illustration of Site:** Please see attached drawing of existing conditions.
- **Property Boundaries:** Before we start the excavation, we will have the property boundaries surveyed by a licensed surveyor so that we keep the setback restrictions required in the Zoning Ordinance. Our drawings are very accurate as we have the survey data for this area from MNDOT for the roadway project. We anticipate nothing changing or being wrong with our drawings attached.

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- **Survey With Contours:** See attached drawings for contour depiction.
- **Existing Vegetation:** The site is currently mostly a row crop field. Most of the site has been farmed for many years. A small portion of the site is some scrub trees, such as box elder, that will be cleared and grubbed before extraction.
- **Existing Structures:** There are no existing structures or buildings on the site that we plan to extract material from.
- **Existing Utilities:** There are no existing pipelines or power lines on the site. Gopher state one call is called in before we dig and there are no utilities anticipated to conflict with the area proposed.
- **Existing Easement:** There are currently no easements for this property. The property is adjacent to Hwy 14 where the work will take place.
- **Public Roads, Trails, ROW:** We will be working on the roadway that is adjacent to this property the whole time the property is open for extraction. The roadway will be shut down throughout the extraction process with only local traffic accessing homes.
- **Access to Public Roads:** There is an existing driveway in the middle of the property off the roadway. When we are going to be in the pit using it the roadway will be shut down to traffic making access safe to the traveling public. There might be multiple access points to the property once the roadway is closed and will be taken out before the road opens.
- **Existing Slope %:** See the attached document for the existing % slopes on the extraction site.
- **Test Borings and Wells:** There are no wells or holes on the site.
- **Distribution, Thickness, and Type of Topsoil:** The topsoil on site varies in thickness from 4" to 10". We plan to strip all the existing topsoil in the extraction area off the site making sure we get to the bottom of it. We pile and shape it around the extraction site and temporarily stabilize it during the operation. When we are complete with our extraction, we will spread it out uniformly over the site at a uniform thickness using all topsoil on the site.
- **Existing Historical Features:** The site has no historical structures or rock formations. It is an existing field that is currently farmed.
- **Previous Mineral Extraction:** The site has never had any minerals extracted from it.
- **Geologic Units:** We will not be hitting any hard rock or limestone with our extraction. We are just using clay and sandy material for borrow to place in a roadway embankment.
- **Depth to Bedrock:** We will not be getting close to bedrock; we are just taking dirt off a hill for roadway embankment.
- **Confining Units:** The information we have for the site shows that we will not be hitting anything like this and will be just removing dirt material that is uniform off a hill to use for embankment material.
- **Known Caves, sinkholes, fractures:** There are not any known issues pertaining to this on the proposed site.
- **Permanent Water Areas / Drainage Patterns:** We will have the same drainage pattern when complete. We are grading the area so that the water still drains to the same rough area when complete. We are not going to have any permanent water areas because we are not going to be digging a pond or into the ground water.

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- **Water Table Elevations / groundwater flow direction:** N/A
- **Wells within a 1-mile radius:** We won't be using any water on site and won't be into or close to the level where groundwater would be found. The top of the neighboring wells in the area are well below the bottom of our excavation, we won't be affecting the neighboring well water supply at all. There are also not any wells very close to the property let alone the extraction site.
- **Location and elevation of springs:** There are no springs on the site of the extraction area currently.
- **General Location of Septic Systems:** There are no septic systems on the whole property that the owner has, and we are not close to any property lines or neighboring septic systems.
- **Location of Designated Trout Stream:** When researching on the Minnesota DNR Website for trout streams of any kind, there were none listed nearby the site.

Proposed Operations Site Plan

- **Illustration:** See attached drawing.
- **Property Boundaries:** At this time the property has not been surveyed, but before we start the excavation, we will have the property boundaries surveyed by a licensed surveyor. Our drawings are very accurate as we have the survey data for this area from MNDOT for the roadway project. We anticipate nothing changing or being wrong with our drawings attached.
- **Location and acreage:** The acreage to be disturbed is 11.8 acres. See the attached map for the location.
- **Buildings and Structures:** There will not be any buildings or structures built on the site.
- **Location and Depth:** See the attached maps for this information. We have a before and after map of the contours on the proposed property.
- **Location of Tailings or Overburden:** We plan to not have this due to using the material for borrow we don't have to remove material to get to the material that we need. All we are going to be doing is stripping the topsoil from the site and storing in little berms for erosion control around the site until we need it for restoring the property.
- **Location of Processing Area:** We will not be processing any material on the site just extracting material for borrow on the roadway.
- **Machines to be Used:** We plan to use offroad equipment to remove the material to build the roadway. This would consist of large excavators, dozers, off road trucks, and scrapers.
- **Equipment Storage:** We are not planning on storing equipment on site. We are planning to park on the old roadway adjacent to the site, which is DOT property, so that the fuel company can get to us.
- **Storage of Extraction Material:** We will not be storing any materials extracted onsite because we aren't producing anything. We are taking material out of the property to place directly to a roadway fill.
- **Vehicle Parking:** We will not be parking vehicles on site. Workers will be parking on the roadway we are working on by the equipment that is parked.

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- **Explosives Location:** We will not be using any explosives on site for the work we plan to perform. So, we will not be storing any either.
- **Fuel Storage:** We have a local vendor come in every day to fill up our equipment so we will not have a fuel storage facility on site.
- **Site Signage:** The roadway will be closed to through traffic when this property is being used so we will not have to worry about trucks coming and going getting in and out of traffic. The property will not have any "High Walls", so we won't need any signage on site.
- **Screening / Landscaping / Fencing:** We won't be installing any of this due to what we are doing with the project. We will shape the area when we are done to look like the attached map and seed it so it will be green.
- **Erosion and Sediment Control:** We will be installing silt fence and placing topsoil in berms to slow the flow of water down during construction activities. We will temporarily seed our topsoil berms because they will be there from the beginning of the work to the end when we restore the area.
- **Soil Storage Areas:** We will not have any soil storage areas.
- **Water Retention Ponds:** We will not have or need any water retention ponds. We are not manufacturing or washing any material in this extraction, just using the dirt on the site for borrow in the roadway.
- **Revisions to Existing Drainage:** The way we have shaped the property when the extraction is complete the drainage will still exit the property in the same area, which is to the west and southwest. See attached map for this drawing, the floor, or bottom of our extraction area is a 2% grade.
- **Proposed Typical Road System:** We will not be having any internal road systems as we are extracting material in cuts across the area and the road is for offroad equipment so it will be ever changing. We are leaving the site and going directly to the highway right of way.
- **Access to Public Roads:** The material being extracted is being used to construct the new Hwy 14 adjacent to the property. This roadway will be closed during the extraction process. We will be entering the highway right of way directly from the extraction site. The site will be closed before we open the roadway to traffic and the property will have the driveway it does now. The existing driveway shows being reconstructed in the new construction plans from MNDOT for our project.
- **Haul Routes:** We will be coming right off the property to a closed road with the material in haul units. We are not going to be hauling material on any roads that are not getting reconstructed out of this pit as it is a job specific pit.

Reclamation Plan

- **Illustration:** See attached drawing.
- **Property Boundaries:** At this time the property has not been surveyed, but before we start the excavation, we will have the property boundaries surveyed by a licensed surveyor.

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- **Phases:** We plan to take cuts of material across the property and the way the existing property contours are the whole site will be worked at the same time. The length of this operation is not for long as it is a temporary site just for the new roadway construction.
- **Final Proposed Grades:** See the attached drawings showing the finish site with contours.
- **Vegetation to be Planted:** We plan to plant a DOT seed mix that is commonly used in borrow sight reclamation. This seed mix is a general roadside mix # 25141. We spread it at a rate of 59 pounds/acre and the expected density of the vegetation if full coverage for this mix or 100%.
- **Location of any Structure:** There will not be any structures erected on site, so nothing will be there when we are done.
- **Proposed Improvements:** There will not be any roads, paths, or ponds built on site that will be left when we are done with the extraction of materials on site.
- **Soil Amendments:** We are not going to be doing anything to the soil on site. We are going to remove and save the topsoil for respread and then borrow dirt for the fills on the roadway.
- **Soil Stabilization Methods:** We will be using a combination of mulching, erosion control blanket, and hydroseed to ensure the site is stable to stormwater throughout the extraction process and when complete.
- **Grading, topsoil protection and replacement:** We will be taking the topsoil on site and putting it in berms on site to protect from run off and then temporarily seeding it to stabilize it until topsoil is needed for restoration. Topsoil that was saved on site will be evenly spread throughout the extraction site once extraction is complete. We have a seeding contractor for the MNDOT Highway project that we will have seed and mulch with the appropriate rates per acre to have adequate growth. We will also have them install temporary silt fence where it's shown on the attached drawing to protect from run off. We also place topsoil berms in areas where water might run to slow down runoff and create a sediment basin, see attached drawing.

Supporting Documentation

- **Description of each Phase:** We will only be having one phase for this site. This is due to the extraction being a temporary operation and with how we are extracting it is going to move back and forth using the whole site all the time.
- **Zoning Classification Description:** The site is currently mostly farmed and has a use code of: Agricultural Non-homestead - Non HGA.
- **Current Land Use:** The site is currently mostly a row crop field, agricultural. Most of the site has been farmed for many years. A small portion of the site is some scrub trees, such as box elder, that will be cleared and grubbed before extraction. The area around it is mostly row crop fields, with some rural residential homes that are a good distance away from the extraction sight.
- **Existing Topography:** The site is currently a U-shaped field that has some decent elevation change throughout dropping from north to south. There is a tree line in the middle of the U-shape field that we will clear and grub. The extraction site is way above

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the highway project we are using the material for, the road that goes to the site goes up at an angle to get into the property.

- **Description of Depth / Quantity / Quality / and Use:** We also plan to extract around 310,000 cy of borrow / fill material that will be used to build the new Highway 14 roadway. The material is plain borrowed material for roadway fill. To build the new 4 lane highway and the interchange at Highway 37 we will need to extract borrow material from the proposed site. See attached drawings for the before and after with contours that will give the depths of cut. The depth of the cut will be anywhere between 2' and 35' due to the existing contours of the property and getting proper drainage when we restore the property.
- **Soil Borings:** The material on site is a clay like material with some sand in it varying to a sandy material with not many fines. We are not going to be digging a hole like most pits this is just shaving off a ridge that is way about the surrounding area and won't be a hole when we are done.
- **Cross Sections:** See attached for a cross section of the before and after on the site. The sight is not going to have any overburden removed because it is not a mine site it is a borrow site for roadway embankment and we are taking material starting right below the topsoil. We are way above the water table as we are up on a ridge way above the surrounding area.
- **Surface Water and Drainage:** The site itself does not have any surface water on it or near where we will be extracting. The drainage currently runs to the west or southwest in the area where extraction will be taking place. When we are complete with the extraction the drainage should stay roughly the same direction. See the attached before and after maps for specifics.
- **Hydrology During Construction:** The site will be mined in strips in different cuts working back and forth. The drainage will remain the same throughout running to the south or southwest. We will have silt fence and some small topsoil berms around the area where the water will leave the site to slow down flow and let sediment settle out.
- **Revisions to Drainage Patterns:** The flow when the site is complete next year will be flatter slowing down the flow helping control any erosion that might take place the way the site sits now.
- **Vertical Profile:** See the attached map for the lowest extraction point.
- **Groundwater Quality Protection:** We plan to not extract to the depth close to groundwater. We are just taking material off the side of hill to use for roadway embankment. This site will not use any groundwater or have any washing of material influencing the water below or around the site.
- **Water Budget:** We plan to not be using any water on site. It is going to primarily a borrow site for roadway embankment. There will not be any washing on site.
- **Dewatering Plan:** We will not be doing any dewatering due to the depth of the mineral extraction site. The site is on a hill with drainage that daylight out way about the area around it.
- **Description of Soils Found On site:** There is 4" – 10" of topsoil on top. Below the topsoil the site has a mixture of clay, sand, and clay mixed with sand. This is the material that will be used in the roadway embankment.

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- **Soil Erosion and Sediment Plan:** See the attached drawing for the silt fence and berm placement. We will apply and have a MPCA permit for the site and comply to the rules and regulations in this. One this that the permit notes is that we must seed disturbed soil in a certain amount of time with temporary seed and stabilization. We also must control and have a SWPPP plan in place which is in the drawings attached to this packet.
- **Soil Salvage Plan:** The topsoil in the extraction area will be stored in piles on site and temporary stabilized until we need it next year for restoration. The topsoil will be then seeded and stabilized with permanent seed and mulch to get permanent growth.
- **Topsoil Restoration Plan:** We plan to place the topsoil that was striped and piled up on site uniformly over the whole extraction site. The topsoil will be placed with offroad equipment and finished with a dozer. The seeding and erosion control sub-contractor we have will work the soil then apply seed and mulch.
- **Description of Ecological Resources:** The site is primarily a farm field that is row cropped right now. There is a small section of scrub trees that will be taken down for the extraction.
- **Vegetation Restoration Plan:** The site will have a perimeter where the extraction is taking place, whether it be a topsoil berm or silt fence vegetation outside the work area is protected. We plan to plant a DOT seed mix that is commonly used in borrow sight reclamation. This seed mix is a general roadside mix # 25141. We spread it at a rate of 59 pounds/acre and the expected density of the vegetation if full coverage for this mix or 100%.
- **Screening, Landscaping, and Security:** The site is going to be along a closed roadway without traffic going by it constantly, so we plan to not place a site berm along this area as it is not needed. For security the site again is on a closed roadway, and we will be working there everyday going by or in the site to keep an eye on it. The site will be put back together and permanently stabilized by the time traffic is on the roadway not being an eye sore. The neighboring properties can not see the sight due to distance setbacks and the trees that are around the property creating a naturally noise and sight berm.
- **All Equipment and Vehicles:** We plan to use mostly offroad equipment to perform the extraction of material for roadway embankment. This would consist of offroad articulating trucks, scrapers, and dozers. We would have a crew of one or the other type of haul unit in the site at a time hauling material during the day to the place needed embankment. The equipment as stated above will park along the shutdown roadway so that they can get fuel and the same for the operators of the equipment.
- **Daily Traffic in and out of sight:** This site is again along a closed roadway, and we plan on hauling out of it onto the closed roadway with offroad vehicles. There will be a lot of traffic when we are hauling borrow material in and out of the access to the site, but it won't be affecting the public due to the access point being a closed roadway.
- **Weight of Vehicles:** We are working for MNDOT on this project and will be following all and every regulation for overweight if we must haul on a roadway that is not getting reconstructed. Most of the material that is getting extracted from the site is going to be hauled and placed before any new pavement is going down and with the nature of this project it will not be an issue worrying about weight as they are offroad vehicles.
- **Tracking on Roadway:** If we are in the site getting set up for extraction before the roadway is closed a tracking pad will be installed at the entrance to help with any

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tracking. Most of the in and out of the pit will take place when the roadway is closed and be hauling on a dirt roadway. We will also have a broom on site if needed to clean any roadway that gets dirty.

- **Dust and Noise:** We plan to work during the day on the site due to all our work on the MNDOT project being able to happen during the daytime hours so the noise that is made should not affect adjacent landowners. We will have multiple water trucks or tankers on site to monitor dust for the road project and the borrow / extraction site.
- **Chemicals Used on Site:** There will be no chemicals used on site in extraction process, this is just a borrow site for roadway embankment of dirt.
- **Hazardous Materials Stored on Site:** there will not be, and hazardous materials stored on site. We will be doing all our parking of machines and fueling on the roadway that we are working on.
- **Recycling Plan:** We will not be doing any recycling of concrete or other products in this site. This is strictly a borrow site for roadway embankment.
- **Seismic Monitoring:** We will not be using any explosives in the extraction of the materials.
- **Complaints:** We will handle any complaints received onsite with neighboring properties professionally and promptly. If a complaint comes to the county, I ask that they please contact me with the information provided above and we will have a meeting if needed or just address the issue.
- **Contingency Plan:** We will always have miscellaneous erosion control items on hand to implement if needed. We will also be working on or by the site during the time it is open for extraction and will continuously monitor the site and have all the equipment close by to fix any problem that arises.

Name of Applicant: Hoffman Construction Company

Date: 2/18/22

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 requesting to open up a mineral extraction site. The site we are looking to open is in the county between New Ulm and Courtland. The site is adjacent to Hwy 14, touching the property on one side. We have been contracted by MNDOT to complete the 4 lane expansion of Hwy 14 from Nicollet to New Ulm. In order to make this roadway 4 lanes we will need some fill material for the project. This site has material that we need to use to fill the embankments on the project with MNDOT. We have an agreement with the land owner of the property through the end of 2023. We will be looking to open up about 11.8 acres for a temporary extraction site on a 34.92 acre site that the land owner owns. The topsoil on the site will be stored in piles, shaped, and be temporarily stabilized during the extraction process. Once we have taken the material needed out of the site we will shape the area and spread the topsoil uniformly over the extraction area. Once this is complete we will seed and stabilize the area. We plan to extract about 310,000 cy of material from the site for the roadway. We plan to be wrapped up with extraction in the fall of 2023 restoring the property to a hillside. When we are extracting the material, Hwy 14 will be closed to thru traffic with just the local residents having access. The location of this allows us to extract dirt while impeding the residents and the traveling public as little as possible. This is due to the fact that we are always hauling material to the project under a closed road condition not hurting roadways in the county and not adding unnecessary truck traffic. We have drawn up different drawings that are also submitted with this to show the before and after of all the items required in the conditional use application checklist. The drainage on the site will remain the same and still sheet to the we stand south west. We will not be using any water on the site for material washing operations. We will not be needing or using any explosives on the site. We are strictly just striping topsoil extracting some dirt for roadway embankment with large off road equipment and then replacing / shaping the topsoil to restore the pit. We will be getting the proper MPCA permits incorporated with the extraction of the material for the project before commencement. We will also install the proper erosion control methods and have a SWPPP for the site before starting. See the documents also submitted with this for site pictures and descriptions of what is going to be performed. The project that is being performed by MNDOT will greatly increase the safety of traveling on this section of Hwy 14. This site when completed will still be way above Hwy 14 not being visable to the traveling public and will be seeded and restored before they are back on the new roadway.



CUP APPLICANT FINDINGS OF FACT CRITERIA

Name of Applicant: Hoffman Construction Company Date: 2/18/2022

Request: Mineral Extraction Conditional Use 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 request meets the following criteria?

1. Given the nature of the land, the requested use is compatible with public health, safety, and general welfare.
Yes the request is compatible given the nature of the land. We are going to be removing dirt form a hillside and shaping it when done to drain the same way it does now. We won't be using any explosives or groundwater throughout the process and it will look like a hillside again when we are complete. The extraction site is adjacent to the roadway where we need the material. By using this site it eliminates the amount of hauling on other roadways not closed to traffic keeping the traveling public much safer and saving on road wear and tear.
2. The requested use will not create an unreasonably excessive burden on the existing roads or other utilities.
No, we will not be needing any utilities and we will be hauling on a closed roadway that we are reconstructing, the material is going to be used in the roadway we are working on.
3. The requested use is compatible with the surrounding area and will not significantly depreciate nearby properties.
When we are done it will still look like a rolling hill and it will be growing vegetation or be farmed again like it is today. There will be no sign that Hoffman extracted material after the project is complete.
4. The structure and the use shall have an appearance that will not have an unreasonably adverse effect on nearby properties.
We are not building any structures on the site.
5. The requested use is consistent with the County Zoning Ordinance.
We have followed the county zoning and are staying back the proper distance from property lines according to how the adjacent land is zoned around the site.

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

No, it is not in conflict.

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

No, we plan to work during daytime hours and the site is out in the country. We are not going to be processing anything on site either. The road will be closed for the time the site is open and it will be seeded and restored when traffic is back on the roadway again so it will not unsightly. It is also by itself on a hill side where it can't be seen well by others.

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

Yes, we are using material from a farm field or recreational land. When we are complete and the site is not needed anymore it will be returned to the prior use. The property is not by a town or city and is adjacent to the roadway project we are performing for Mndot.

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

No there are no apparent risks with the operation we are proposing to perform on the site.

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

The following reasons are why the site will not have an adverse effect:

- *Staying the required distance away from property lines.*
- *Not using any groundwater or processing material.*
- *Hauling material out of a sight onto a closed roadway adjacent to the site where the material will be used.*
- *No explosives will be used.*
- *The site is only open for less than two years, to build a new roadway being restored when the road is back open.*

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

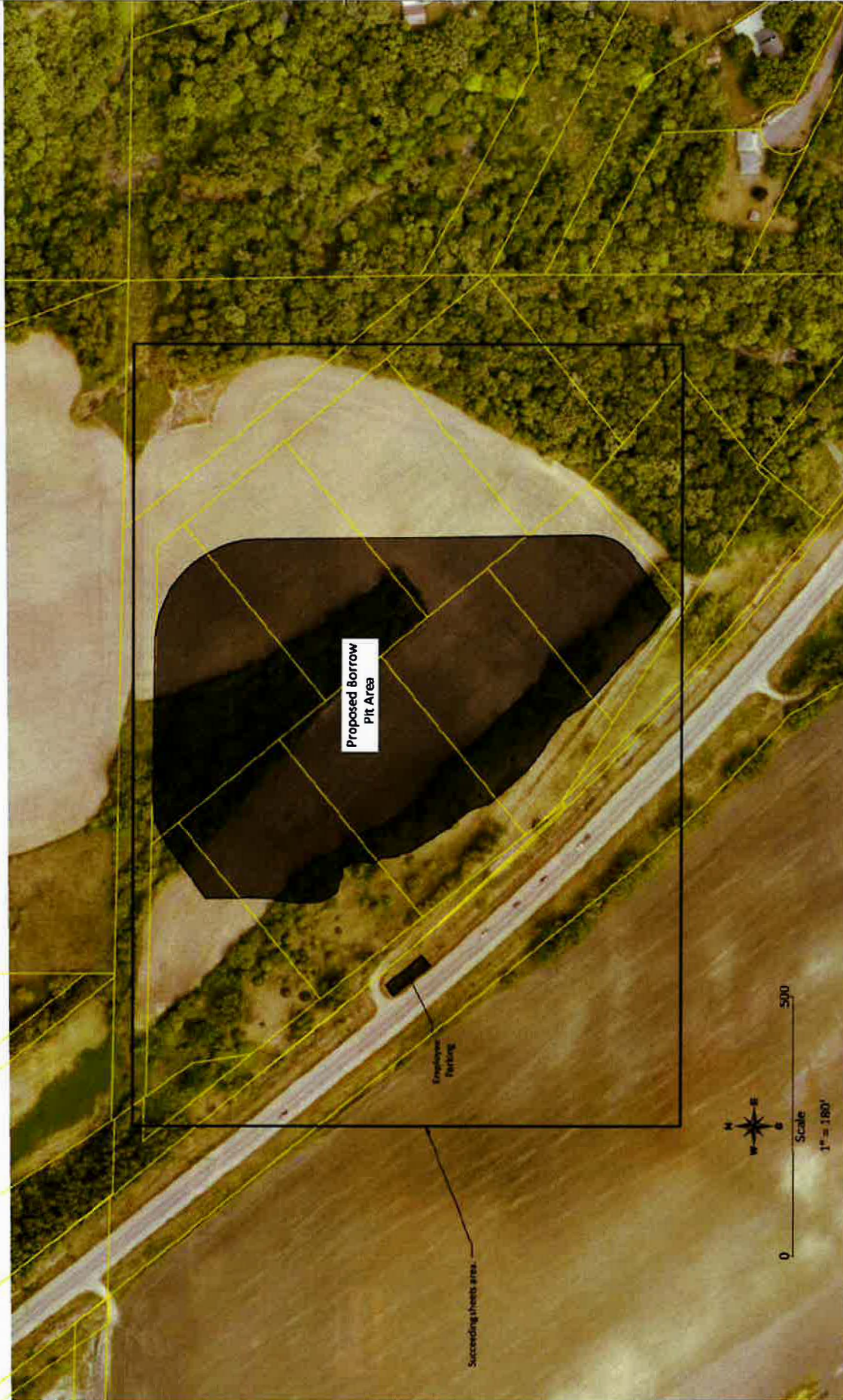
ATTACHMENT E.4 Site Aerial Map

SHEET: 1	
OF: 8	

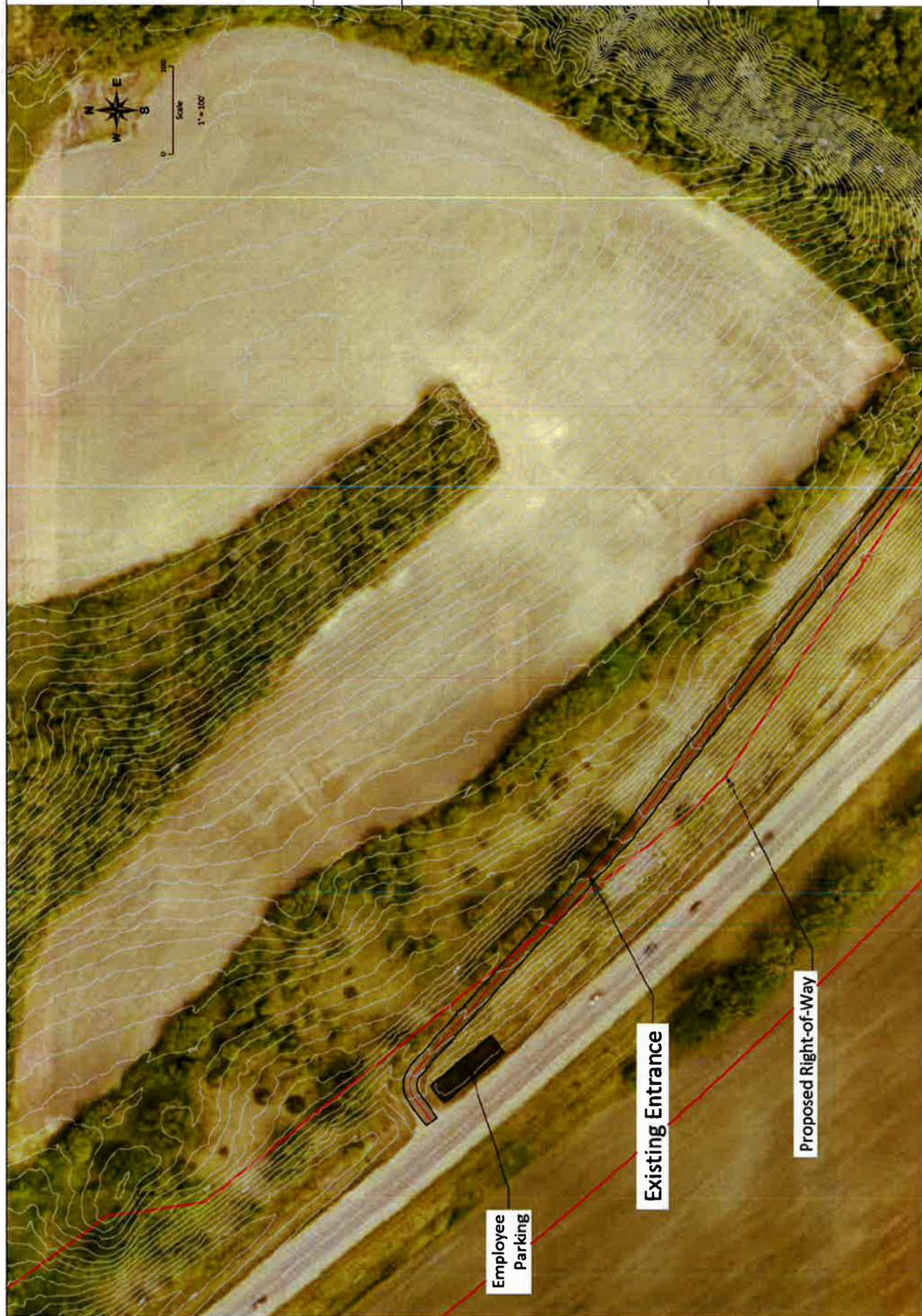
Project Area

Heymann Site

Hoffman Construction Co.
Black River Falls, WI



ATTACHMENT E.5
Map A, Existing Conditions – Existing Contours



Hoffman Construction Co.
Black River Falls, WI

Heymann Site

Existing Site

SHEET: 2

OF: 8

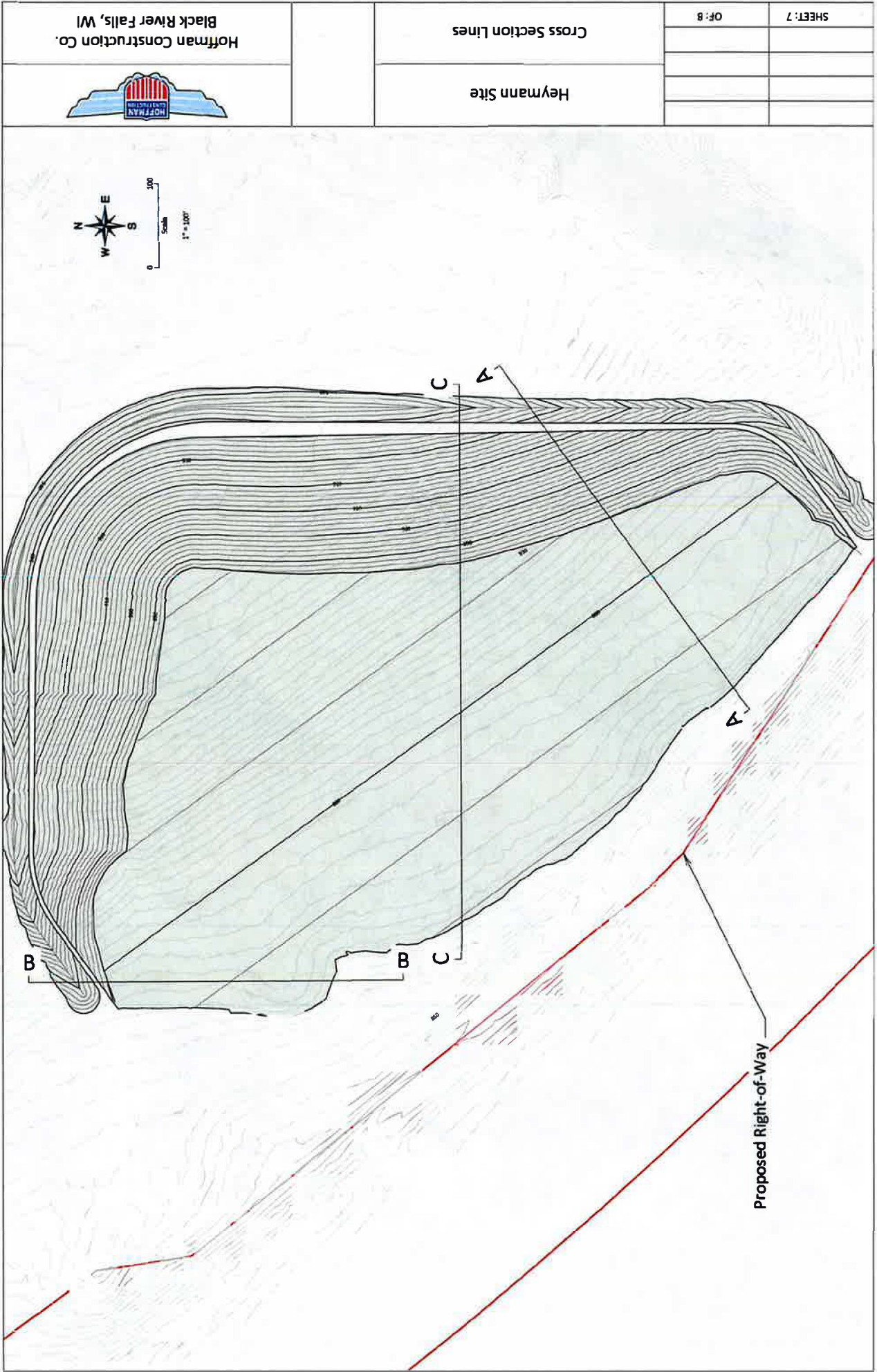


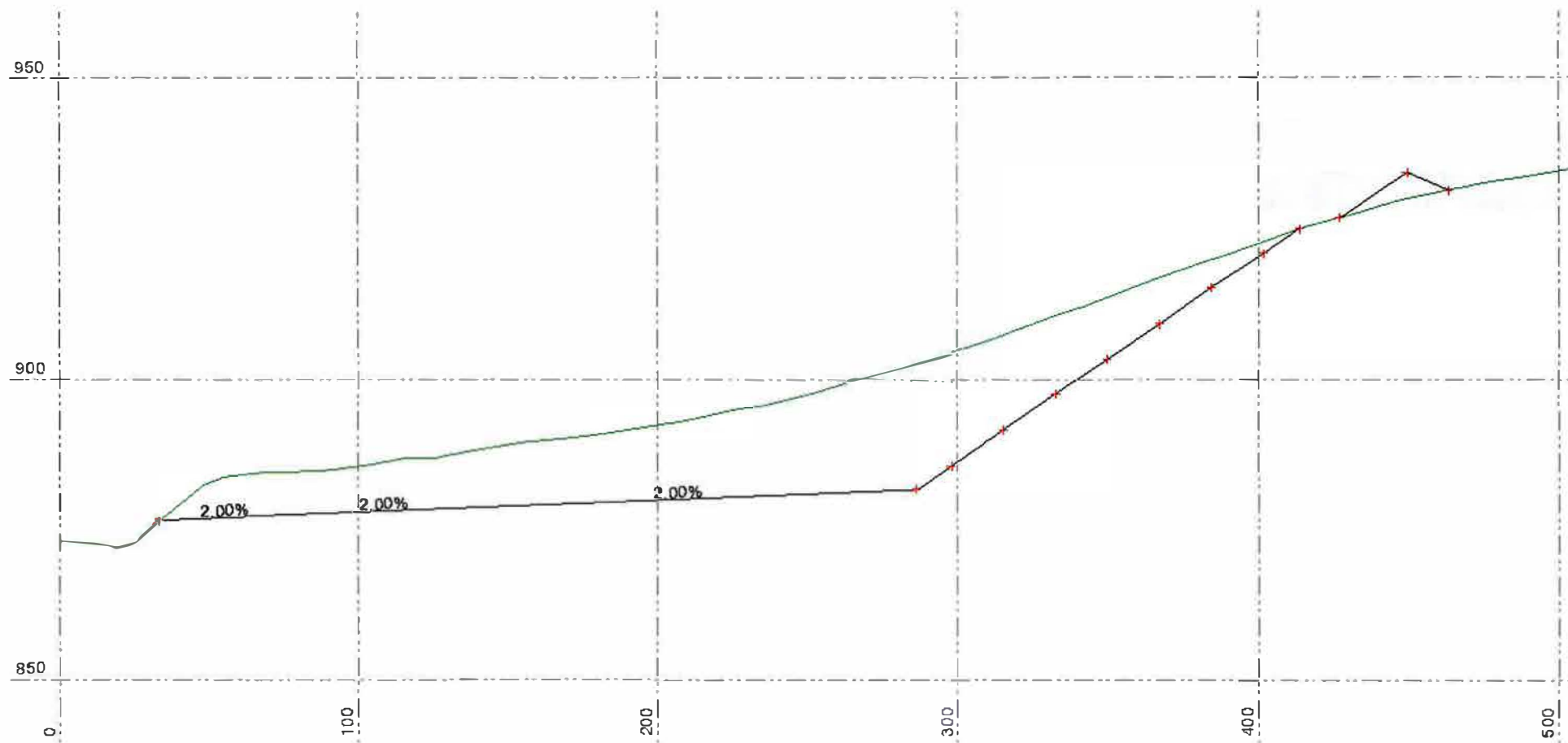
SHEET: 6	OF: 8	Heymann Site	Design over Aerial	Hoffman Construction Co. Black River Falls, WI



ATTACHMENT E.6
Map B, Proposed Conditions - Interim Contour

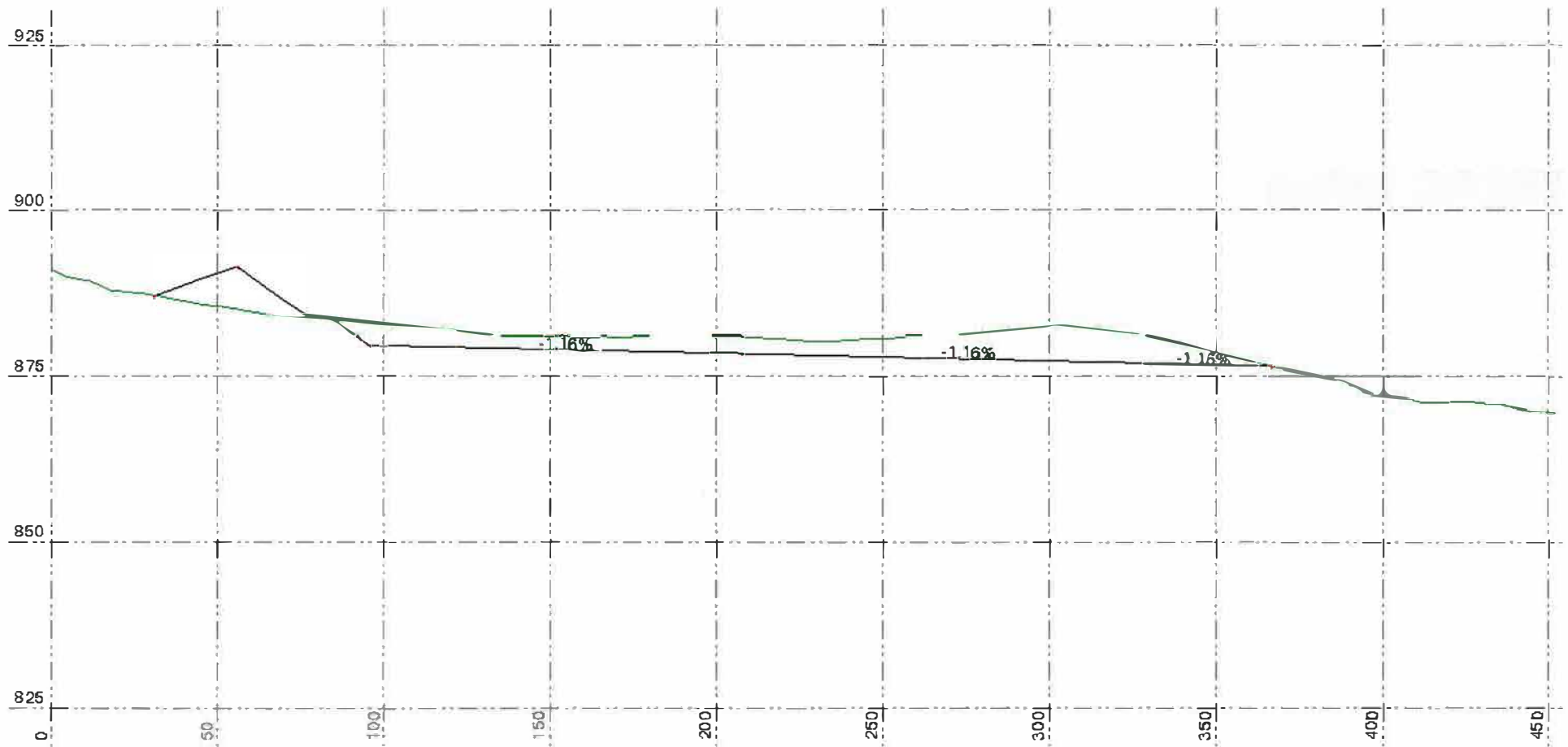
ATTACHMENT E.7 Cross Sections





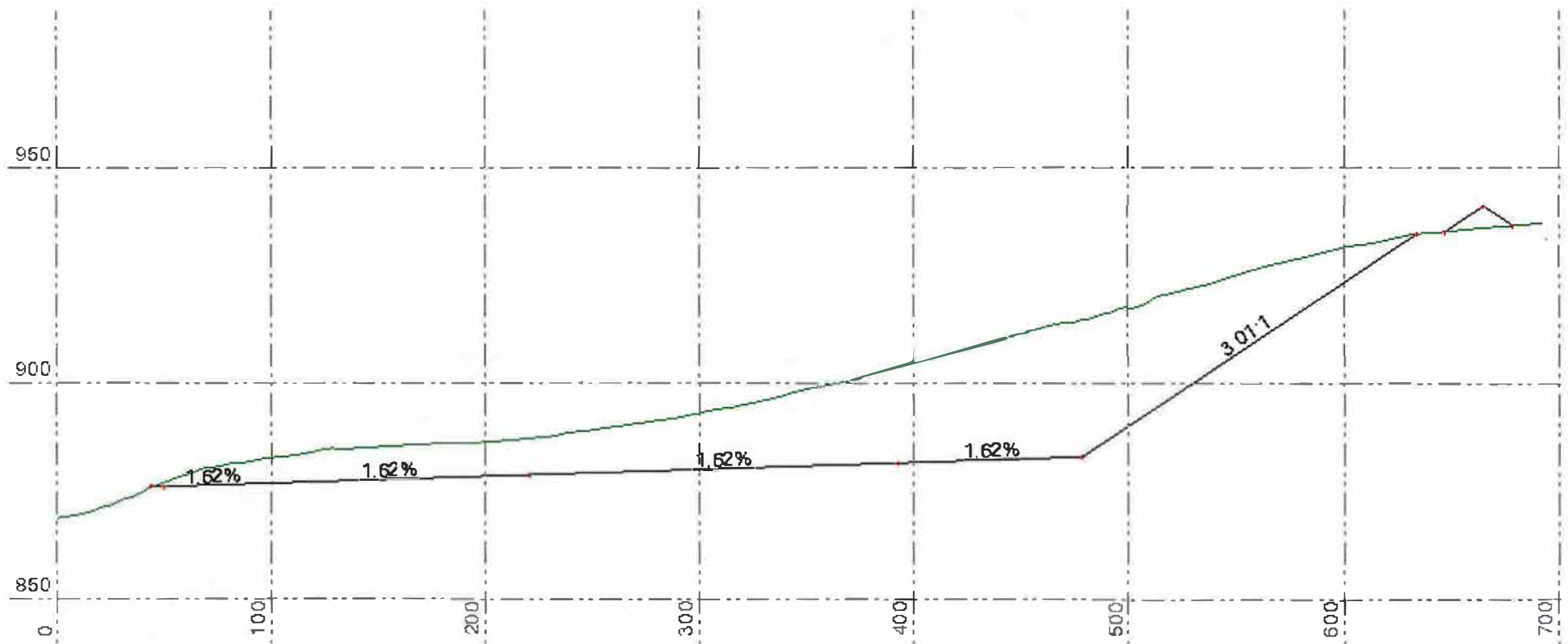
Section A-A

KEY	
Green	Existing Cross Section
Black	Proposed Cross Section



Section B-B

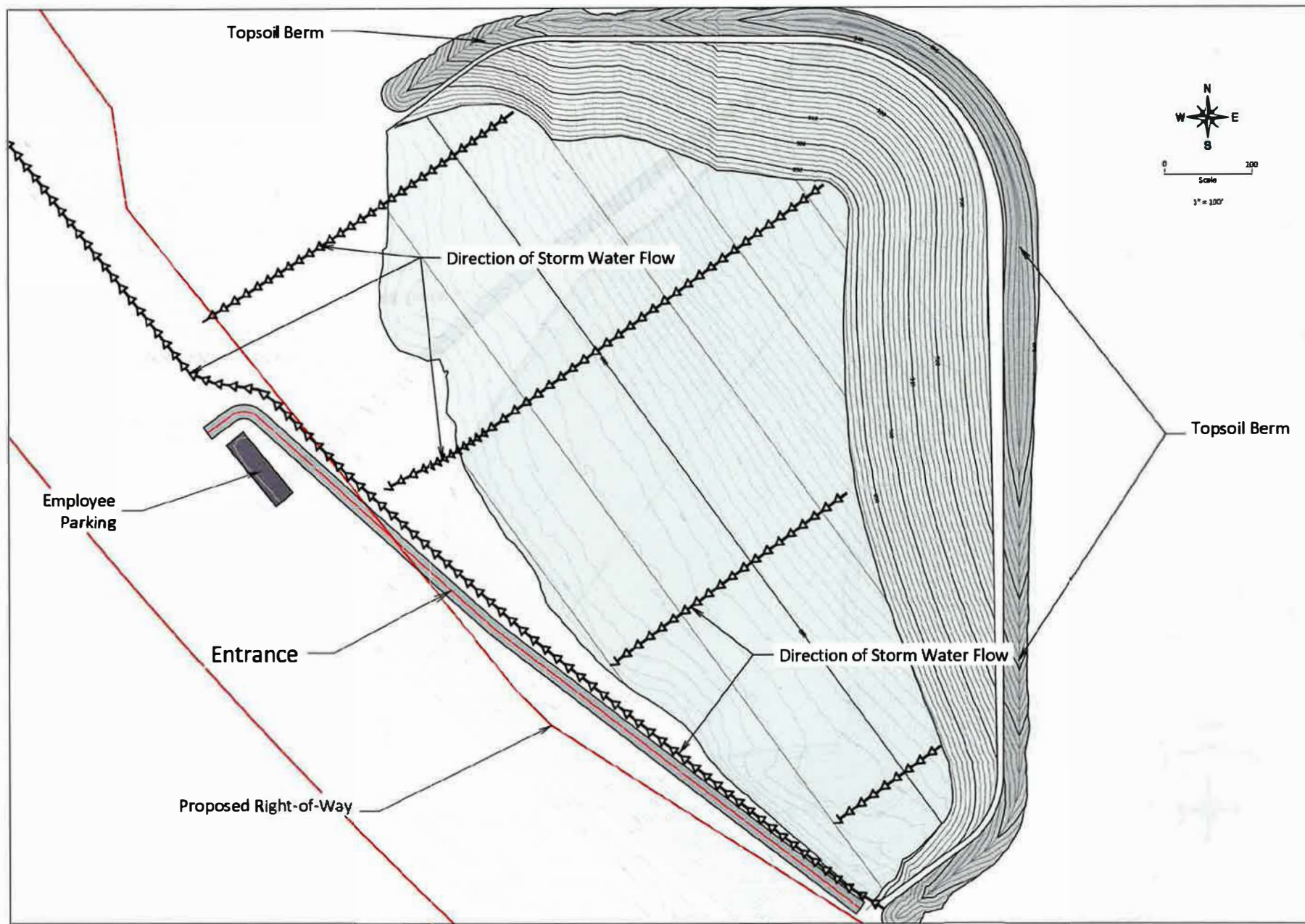
KEY	
Green	Existing Cross Section
Black	Proposed Cross Section



Section C-C

KEY	
Green	Existing Cross Section
Black	Proposed Cross Section





		Hoffman Construction Co. Black River Falls, WI	
Heymann Site		Design Contours	
			DF: 8
		SHEET: 5	

ATTACHMENT E.9
Erosion – Proposed Water Flow

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ZONING OR CONDITIONAL USE PERMIT AGENT AUTHORIZATION
(All Owners Must Sign)

DATE: March 23rd 2022

PROJECT #: MNDOT SP 5202-58

COUNTY: Nicollet

OWNER'S NAME: John Heymann

OWNER'S ADDRESS: 316 S. State St

New Ulm, MN 56073

LEGAL DESCRIPTION OF OWNER'S LAND: _____

PARCEL TAX ID : 04.034.1600; 04.034.1610; 04.034.1400; 04.034.0500; 04.034.0400;
04.034.1605; 04.034.1300; 04.034.0600; 04.034.1200; 04.034.0700; 04.034.1100;
04.034.0800; 04.034.1000; 04.034.0900; 04.034.1610

The above Owner(s) hereby authorizes Hoffman Construction Company to act as the agent of the Owner(s) for purposes of obtaining any zoning or conditional use permit and agrees to cooperate with and sign any documents necessary to obtain said zoning permit.

Dated this 23rd day of March, 2022 .

OWNER:

John H. Heymann

SS #:

OWNER: (if more than one)

SS #: _____

ATTACHMENT E.11
Landowner Permission

New Ulm Quartzite Quarries Inc
Po Box 55038
Lexington KY 40555

John & Deborah Hertling
45162 Edgewood Dr
New Ulm, MN 56073

Mark Domeier
45134 Edgewood Dr
New Ulm, MN 56073

Andrew & Daniele Sharits
56994 Brookview Ln
New Ulm, MN 56073

John Heymann
316 S State St
New Ulm, MN 56073

Denise Anthony
57428 US Hwy 14
New Ulm, MN 56073

Adam & Laura Whittington
56040 Brookview Ln
New Ulm, MN 56073

Kornerstone LLC
3800 Stone Point Dr NE
Rochester, MN 55906

David & Pauline Flitter
57054 Hillcrest Ln
New Ulm, MN 56073

Ronald & Sandra Borth
45184 Edgewood Dr
New Ulm, MN 56073

Denise Sellner
56997 Brookview Ln
New Ulm, MN 56073

James & Leona Arndt
57010 Brookview Ln
New Ulm, MN 56073

Gary & Shirley Bruns
57012 Hillcrest Ln
New Ulm, MN 56073

Delores Leskey
45165 Edgewood Dr
New Ulm, MN 56073

Victor Roepke
45133 Edgewood Dr
New Ulm, MN 56073

Grant & Gail Bode
57034 Brookview Ln
New Ulm, MN 56073

Wade & Velda Cordes
56936 Brookview Ln
New Ulm, MN 56073

Michael Hippert
200 Summerset Dr
Ashland, OH 44805

Patrick & Melissa Nelson
57063 Brookview Ln
New Ulm, MN 56073

State Of Minnesota
2151 Bassett Dr
Mankato, MN 56001-6888

Jamie & Gina Berg
45304 Kohn Dr
New Ulm, MN 56073

Jason & Jody Enter
57108 422nd St
New Ulm, MN 56073-4321

Tim Harmening
Courtland Township Clerk
43370 541st Ave
Courtland, MN 56021



CONDITIONAL USE PERMIT

FEEDLOT PERMIT

Wayne & Teresa Havemeier

PLN22-05

**NICOLLET COUNTY
PLANNING & ZONING ADVISORY COMMISSION**

SUBJECT:	Conditional Use Permit, PLN22-005
APPLICANT:	Wayne & Teresa Havemeier
LANDOWNER:	Wayne & Shelly Havemeier
LOCATION:	Northwest ¼ of the Northwest ¼ of Section 9-110-29 in Brighton Township
PARCEL NO:	03.009.0100
EXISTING ZONING:	Special Protection
HEARING DATE:	May 16 th , 2022
COUNTY BOARD DATE:	May 24 th , 2022

REQUEST

The Havemeiers are requesting conditional use approval to construct and operate a swine feedlot finishing barn with an underfloor liquid manure storage area.

EXISTING LAND USE

The property is currently used for farmland and is in the Special Protection Zoning District. There is a small patch of forest to the south of the proposal.

SURROUNDING LAND USE

The land use adjacent to the proposal is agricultural, with scattered farm sites and residences being further away in all directions. Wetlands associated with Swan Lake are located about a quarter mile to the southwest.

There are no residential zoning districts, public parks, churches, public schools, dwellings or municipalities within the required offset distance that would disqualify the feedlot from approval. The 93% offset for residential and public uses is 1,090 feet; the closest to the proposal is a dwelling 1,865 feet to the northeast. The 99% offset for municipalities is 1.14 miles; the closest is Courtland about 5 miles to the south.

PROJECT DESCRIPTION

The proposal consists of a 122' x 200' total confinement swine finishing barn with a 24' x 26' office, for a total of 25,024 square feet. The barn will have an 8 foot deep concrete underfloor liquid manure storage area with a capacity of 1,176,400 gallons with 12 months of storage. The feedlot would have a capacity of up to 900 swine animal units.

Proposed Animal & Animal Units		
Animal Type	Number	Units
Swine Between 55 & 300 pounds	3,000	900

Proposed Construction		
Quantity	Size	Type
1	122' x 200'	Total confinement finishing barn
1	122' x 200' x 8'	Liquid manure storage area
1	24' x 26'	Office

Access:

The applicant intendeds to use an existing access that runs along the western property line. No improvements to the approach or path are proposed. The access drive crosses another parcel that is also in the ownership of Wayne & Shelly Havemeier.

Dead Animal Disposal:

The Havemeiers intends to render deceased animals.

Manure Management Plan:

A Manure Management Plan has been submitted in accordance with Minnesota Administrative Rules Section 7020.2225. The manure from the storage area will be removed yearly. The plan has both owned acres for manure application and also acres available to transfer manure ownership.

MINNESOTA POLLUTION CONTROL AGENCY STANDARDS

The Havemeiers has received a Construction Short Form Permit from the Minnesota Pollution Control Agency to operate a feedlot for his proposed design and capacity. A National Pollutant Discharge Elimination System (NPDES) permit is not required as the proposal is under 1,000 animal units. No other state or federal permits are required at this time.

COUNTY STANDARDS

The proposal seems to meet the requirements for a feedlot within the Special Protection District. The required setbacks and actual distances are as follows:

Setbacks		
Type	Required	Proposed
Right-of-way	50'	1,360'
Side (west)	50'	70'
Side (east)	50'	1,012'
Rear	50'	1,472'
Ditch	100'	1,003'
Highest Known Water Level	980.6' (Swan Lake)	995' (pit floor)
Ordinary High Water Mark	200'	2,000'
OFFSET 93% (dwellings and public areas)	1,090'	1,865' *
OFFSET 99% (Municipalities)	6,021'	25,574'

*NOTE: This distance is to the closest qualifying structure. See the offset map for the distance to other qualifying structures; none are within the required setback.

NEIGHBOR NOTIFICATION

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

CONDITIONAL USE PERMIT CRITERIA

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

True, because:

- The proposal meets the standards of the Zoning Ordinance for feedlots in the Special Protection Zoning District.
- The proposal appears to be typical of feedlot developments within the County.
- The applicant has obtained an MPCA issued Construction Short Form Permit.

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

True, because:

- There is an existing road access and path to the proposed facility.
- The size and function of the facility is not unreasonable for the proposed location.
- It appears the burden on public infrastructure from the facility will be minimal.

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

True, because:

- The proposal meets all Zoning Ordinance standards, including offset and setbacks.
- 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.**

True, because:

- The facility design appears to be typical of feedlot development within the county.
- The predominant land use in the area is agricultural.

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

True, because:

- The proposal meets the standards of the Zoning Ordinance for feedlots in the Special Protection Zoning District.

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

True, because:

- The Comprehensive Plan states that feedlots are a permitted and regulated use.
- The proposed feedlot meets the standards of the Zoning Ordinance, which implements the vision of 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.**

True, because:

- The proposal will meet the applicable county and state standards for manure handling and management.
- The site meets the required OFFSET setback to dwellings and public areas.
- The facility will be of a design that is typical for a swine feedlot.

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

True, because:

- 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.

True, because:

- The applicant has obtained a MPCA Construction Short Form Permit.
- The proposal meets the standards of the Zoning Ordinance for feedlots in the Special Protection Zoning District.
- The proposal will 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:

Will Not, because:

- The applicant has obtained a MPCA Construction Short Form Permit.
- The proposal meets the standards of the Zoning Ordinance for feedlots in the Special Protection Zoning District.
- The proposal will meet the applicable county and state standards for manure handling and management.

RECOMMENDATIONS

1. The applicant undertakes the project according to the plans and specifications submitted to the county with the application.
2. The zoning permit is invalid if the holder has not substantially completed the building within the period of time allowed on the zoning permit connected with this conditional use permit.
3. The conditional use permit will be periodically reviewed by the county to assure compliance with the permit and permit conditions.
4. 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.

5. The applicant must provide, maintain, and follow an approved manure management plan under the guidelines set forth in MPCA rules chapter 7020.2225.
6. Manure that is in liquid or slurry form that has been injected or spread must be incorporated within 24 hours.
7. Manure when transported by truck/spreader to fields off site must be covered or in a leak proof tank to avoid any potential manure spills on public roads.
8. If required, the applicant must obtain a Department of Natural Resources Division of Waters' Water Appropriations Permit.
9. Dead animals must be disposed of in accordance with the Board of Animal Health regulations.
10. The applicant must notify Property Services at least three days prior to start of construction, including any related earth work.
11. If required, a Construction Stormwater permit must be obtained from the Minnesota Pollution Control Agency prior to start of construction.
12. Before construction begins, the applicant must have the appropriate county zoning permits in hand.
13. The applicant must maintain the described and necessary technology to meet the 93% OFFSET Annoyance Free Odor Rating.

Applicant: Wayne & Teresa Havemeier
Landowner: Wayne & Shelly Havemeier

PLN22-05

ATTACHMENT A	Application
ATTACHMENT B	Criteria for Conditional Use Permit
ATTACHMENT C	Location Map
ATTACHMENT D	Aerial Map
ATTACHMENT E	Submitted by Applicant
	E1. Site Map
	E2. M.P.C.A. Application
	E3. M.P.C.A. Feedlot Permit
	E4. OFFSET
ATTACHMENT F	Neighbor Notification List



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

PLANNING & ZONING ADVISORY COMMISSION
APPLICATION

Total Fees: \$496.00

Map#: 1109100004
Parcel#: 030090100
Permit#: PLN22-005
Date: April 15, 2022

Applicant: Wayne Havemeier, , 41230 441st Ave, Nicollet MN 56074
Phone: 507-382-8254
Owner: HAVEMEIER WAYNE E & SHELLY R HAVEMEIER, 41230 441ST AVE, NICOLLET MN 56074
Property Address: 0,
Abbreviated Legal Description: SW1/4 NW1/4 40.00 AC; NW1/4 NW1/4 "EX PCL 9N1 ROW PLAT 21" 39.90 AC
TOTAL 79.90 AC
Township: Brighton Township

Record Type: Conditional Use

Category: Feedlot

Project Description: Conditional Use Permit application for a swine feedlot on parcel ID 03.009.0100.

Planning Commission Hearing Date: 05/16/2022

Board of Commissioners Date: 05/24/2022

APPLICANT SIGNATURE

DATE

ATTACHMENT A
Application



**NICOLLET COUNTY PLANNING AND ZONING ADVISORY COMMISSION
CRITERIA FOR GRANTING A CONDITIONAL USE PERMIT**

Name of Applicant/ Wayne Havemeier
Property Owner: Wayne & Shelly Havemeier

Date: May 16, 2022

File #: PLN22-05

PC Name: _____

Use Requested: Conditional Use Approval for a swine feedlot

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 the general welfare, public health and safety.

☐ YES ☐ NO **WHY:** _____

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

☐ YES ☐ NO **WHY:** _____

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

☐ YES ☐ NO **WHY:** _____

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

☐ YES ☐ NO **WHY:** _____

**ATTACHMENT B
Criteria for CUP**

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

☐ YES ☐ NO **WHY:** _____

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

☐ YES ☐ NO **WHY:** _____

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 **WHY:** _____

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

☐ YES ☐ NO **WHY:** _____

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

☐ YES ☐ NO **WHY:** _____

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

☐ YES ☐ NO **WHY:** _____

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

THE NICOLLET COUNTY PLANNING AND ZONING ADVISORY COMMISSION:

(☐ APPROVES) (☐ DENIES)

THE REQUESTED CONDITIONAL USE PERMIT

This decision is based on:

- ☐ Application
- ☐ Staff Report
- ☐ Pictures
- ☐ Information received at public hearing

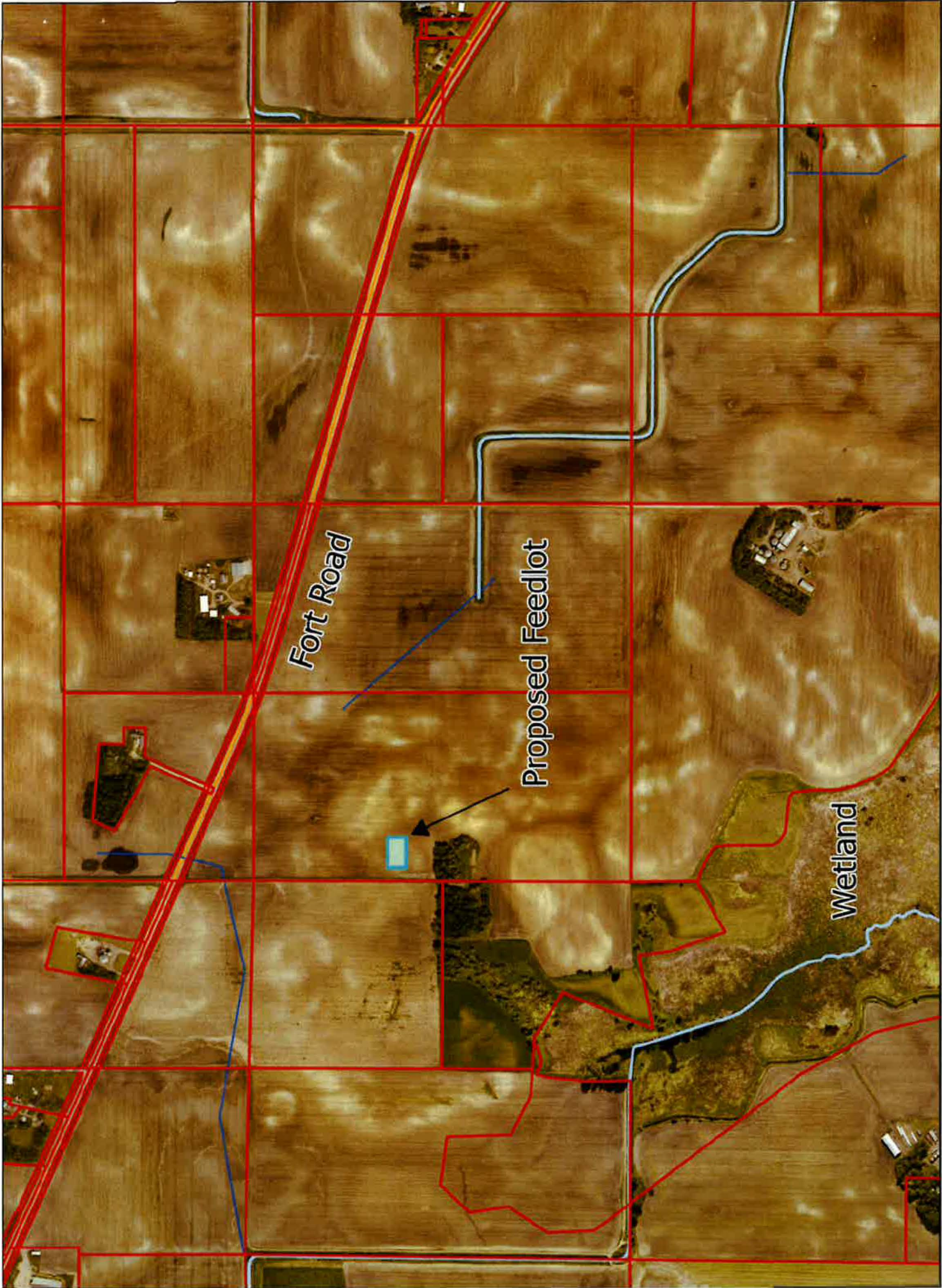
Viewed by Members of Board:

- ☐ Laven
- ☐ Hermanson
- ☐ Ubel
- ☐ Hoffmann
- ☐ Dranttel
- ☐

Facts supporting the answer to each question above are hereby certified as the Findings of the Nicollet County Planning and Zoning Advisory Commission.

Date: _____

Chair: _____



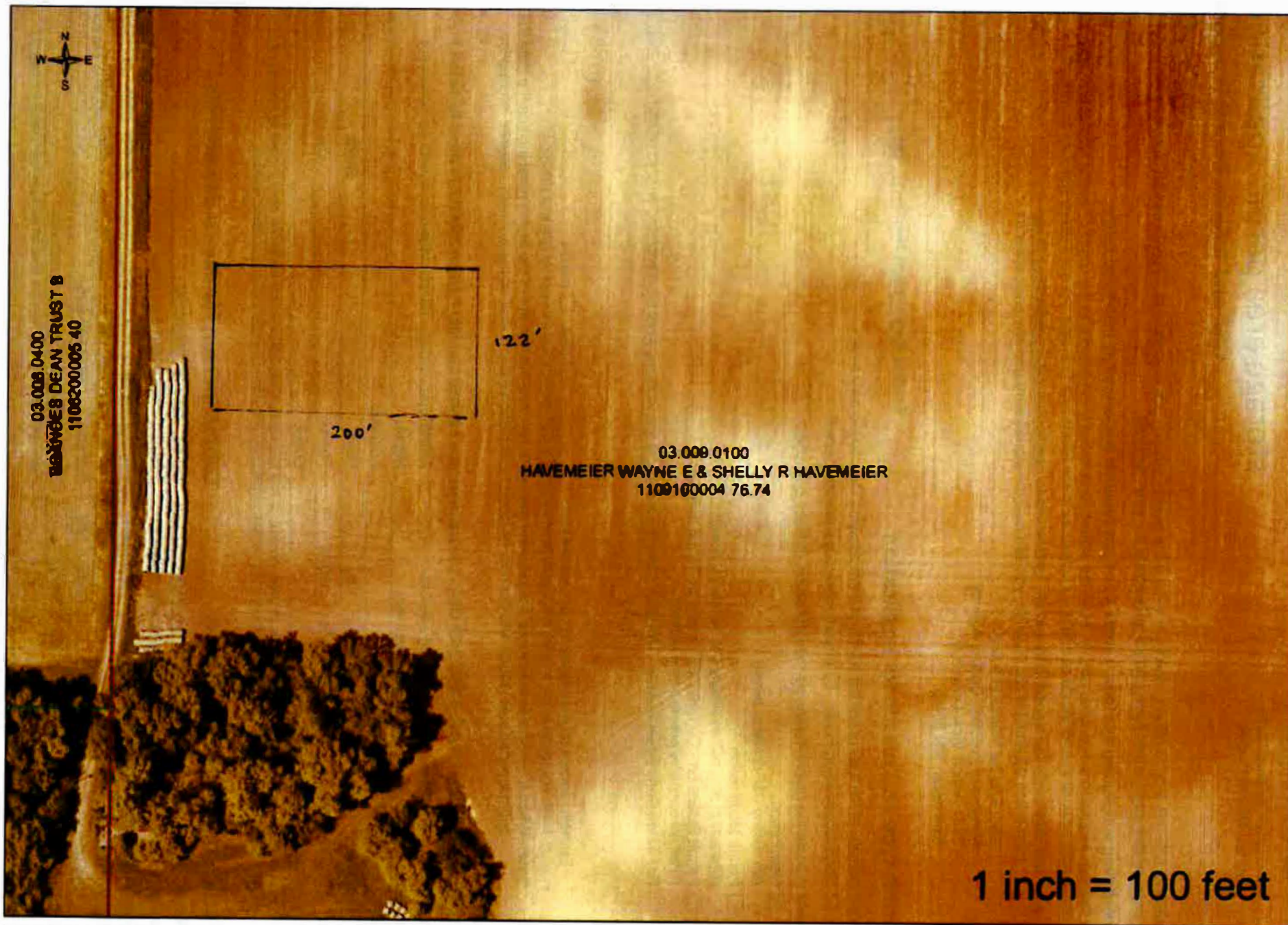


Fort Road

Access Driveway

Proposed Feedlot





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. Property Services Department of Nicollet County assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data.

ATTACHMENT E.1
Site Map

**Animal feedlot or manure
storage area permit application
CSF and Interim Permit Program**

Doc Type: Permit Application

Applicability: Use this form to obtain, modify, or extend the term of a construction short form (CSF) or interim permit.
Keep a copy of this application form and all submittals for your records.

After completing and signing this form, submit it and any required enclosures as instructed below:

For facilities located in a delegated county, send the signed form and any enclosures to the County Feedlot Officer (CFO).
All other facilities must submit this form and any enclosures to the Minnesota Pollution Control Agency (MPCA) as follows:

- Scan and email the signed form and any enclosures to FeedlotSubmittal.pca@state.mn.us.
- If submission via email is not possible, you can mail the signed form and any enclosures to:

Attn: Feedlot Master File Staff
Minnesota Pollution Control Agency
7381 Airport View Drive SW
Rochester, MN 55902

I. Permit type and reason for applicationFeedlot Registration Number: TBD

Please indicate which type of feedlot permit you are applying for (*choose only one*):

- ☒ Construction Short Form ☐ Interim (correcting a pollution hazard)

Please indicate the reason for the permit application (*choose only one*):

- ☒ New Permit
(No existing CSF or interim permit)
- ☐ Permit Modification
(Changes to sites with an existing CSF or interim permit)
- ☐ Permit Extension - Current CSF or Interim Permit number: _____
(Work not completed prior to permit expiration)

For extension requests only - Indicate below the reason(s) the work may not be completed prior to permit expiration

Estimated amount of time required to complete the work: _____ ☐ days ☐ months

Note: The length of the extension is limited to 24 months for CSF permits and 90 days for interim permits

Note: When the notice to neighbors and property owners is required the content of the notice must include the date the original permit was issued and the new proposed completion date as well as the normally required information.

II. Owner's name(s) and address(es) - (All partners of a Limited Liability Partnership (LLP) must be listed.)

Primary owner – Will be used as the mailing address

Name: Wayne Havemeier and Teresa HavemeierAddress: 41230 441st AveCity: NicolletState: MNPhone: 507-382-8254Zip: 56074Email: havfarm@mvtvwireless.com

Additional owner – attach additional sheets as necessary

Name: _____

Address: _____

City: _____

State: _____

Phone: _____

Zip: _____

Email: _____

Note: The term owner includes all persons having possession, control, or title to an animal feedlot or manure storage area (including lessees or renters). All owners must be listed. Attach to this application the names, addresses, and phone numbers of all additional owners.

III. Facility name and site addressSite Name: Wayne Havemeier and Teresa Havemeier☐ Facility is a MN Ag Water Quality Certified Farm (MAWQCP)

Complete if facility address is different than the primary owner address:

Street: 53095 Fort RdCity: New UlmState: MNPhone: 507-382-8254Zip: 56073**Contact person for day-to-day activities**Name: Wayne HavemeierStreet: 41230 441st AveCity: NicolletState: MNPhone: 507-382-8254Zip: 56074Cell phone: 507-382-8254Email: havfarm@mvtvwireless.com

(General letters/notices may be sent by email where one is indicated.)

IV. Facility location

County: Nicollet

Township name: Brighton

Township (26 – 71 or 101 – 168)	Range (1 – 51)	Section (1 – 36)	¼ Section (160 acre) (NW, NE, SW, SE)	¼ of ¼ Section (40 acre) (NW, NE, SW, SE)
T 110 N	R 29 W	9	NW	NW

V. Sensitive features

1. Is any part of the facility within 1,000 feet of any type of surface waters or tile intake? ☐ Yes ☒ No

If Yes, select all types below

☐ Lake ☐ River ☐ Stream (Perennial or Intermittent) ☐ Tile Intake
☐ Pond ☐ Creek ☐ Ditch ☐ Wetland ☐ Calcareous Fen ☐ Unknown

2. Is any part of the facility located within 300 feet of a river/stream? ☐ Yes ☒ No

3. Is any part of the facility located within a delineated flood plain (100 year flood)? ☐ Yes ☒ No

4. Is any part of the facility located within designated shoreland? ☐ Yes ☒ No

5. Is any part of the facility located within 1,000 feet of a karst feature?
(sinkholes, caves, disappearing springs, resurgent springs, karst windows, dry valleys, or blind valleys) ☐ Yes ☒ No

If Yes, complete a. and b. below:

- a. Are there 4 or more sinkholes within 1,000 feet? ☐ Yes ☐ No

- b. Is any part of the facility within 300 feet of a known sinkhole? ☐ Yes ☐ No

6. Is any part of the facility located within 1,000 feet of the following types of wells: ☐ Yes ☒ No

If Yes, complete a. and b. below:

- a. What is the shortest distance from a well to any animal holding area? >100 ft.

What is the shortest distance from a well to any manure storage area? >100 ft.

- b. Indicate if the well is any of the following types:

☐ a community water supply well
☐ a well serving a public school as defined under Minn. Stat. § 120A.05
☐ a well serving a private school excluding home school sites
☐ a well serving a licensed child care center where the well is vulnerable (Minn. R. 4720.5550, subp. 2)

VI. Environmental Review (complete when construction or expansion is proposed)

Mandatory environmental review is required for the addition of 1,000 or more animal units (AU) at any facility. This threshold is reduced to 500 AU in "sensitive areas". The facility is within a sensitive area when any of the following apply.

- Any part of the facility is within a delineated floodplain (yes to question 3 above)
- Any part of the facility is within designated shoreland (yes to question 4 above)
- Any part of the facility is within 1,000 feet of a karst feature (yes to question 5 above)
- Any part of the facility is within a vulnerable drinking water supply management area
- Any part of the facility is within a federal, state, or local wild and scenic river district
- Any part of the facility is located within the Minnesota River Project Riverbend area or the Mississippi headwaters area

Additionally mandatory environmental review is required for "Phased actions". Phased actions are two or more projects located in the same geographic area and constructed within three years of each other by the same proposer. When this is the case, the animal units from all projects are combined to determine if environmental review is required.

Do you have ownership interest in another livestock operation that was constructed/expanded within the past three years or are you substantially certain you will be constructing/expanding another livestock operation within the next three years?

☐ Yes ☒ No

If Yes, how far away (straight-line distance) is it located from the project proposed in this application? _____ miles

There are also rule provisions to require completion of the environmental review process in the event of a citizen petition or upon the discretion of the MPCA. Please see the MPCA fact sheet entitled "When is Environmental Review Required for Feedlots" (available on the MPCA website at <https://www.pca.state.mn.us/quick-links/environmental-review> and/or Minn. R. 4410 for further details.

VII. Animal numbers and animal unit (AU) calculation

Complete the table below to identify the **maximum** number of animals housed at that facility. All animal numbers and animal sizes used to complete this table should reflect the animal holding **capacity** of the facility even if the facility does not currently house or propose to house that number of animals. At no time is the number of animals at the facility allowed to exceed the capacity provided below without first obtaining a permit or permit modification.

Current Capacity - List the current head count **capacity** for each animal type in column 3 below. For sites with a permit, this should match the currently permitted number of animals. Next, multiply the AU Factor in column 2 by the number of animals listed in column 3 to get the **Current AU Capacity** for each animal type (column 4). Finally, add together all AU's in column 4 to get a total at the bottom of the chart. *If this application is for a brand-new feedlot site leave columns 3 and 4 blank. (ie. bare piece of ground)*

Final Capacity - List the final head count **capacity** for each animal type in column 5 below. This number should include current animals plus or minus any expansion or reduction in each animal type. This should reflect the maximum AU capacity requested with this permit application. Next, multiply the AU Factor in column 2 by the number of animals listed in column 5 to get the **Final AU Capacity** for each animal type (column 6). Finally, add together all AU's in column 6 to get a total at the bottom of the chart.

1. Animal type	2. Animal unit factor	Current facility capacity		Final facility capacity (Current +/- Changes)	
		3. Head count	4. Animal units = column 2 x column 3	5. Head count	6. Animal units = column 2 x column 5
A. Dairy cattle					
Mature cow (milked or dry) over 1,000 lbs.	1.4				
Mature cow (milked or dry) under 1,000 lbs.	1.0				
Heifer	0.7				
Calf	0.2				
B. Veal					
Veal	0.2				
C. Beef cattle					
Slaughter steer/heifer, stock cow, or bull	1.0				
Feeder cattle (stocker or backgrounding), heifer	0.7				
Cow and calf pair	1.2				
Calf (weaned)	0.2				
D. Swine					
Over 300 lbs.	0.4				
Between 55 and 300 lbs.	0.3			3000	900
Under 55 lbs.	0.05				
E. Horses					
Horse	1.0				
F. Sheep					
Sheep or Lamb	0.1				
G. Chickens with a liquid manure system					
Layer Hens or Broilers	0.033				
H. Chickens with a dry manure system					
Broilers over 5 lbs.	0.005				
Broilers under 5 lbs.	0.003				
Layer Hens over 5 lbs.	0.005				
Layer Hens under 5 lbs.	0.003				
I. Turkeys					
Over 5 lbs.	0.018				
Under 5 lbs.	0.005				
J. Ducks					
Duck (with a liquid manure handling system)	0.01				
Duck (with a dry manure handling system)	0.01				
K. Animals not listed in A to J (AU factor in column 2 = average weight of the animal type divided by 1,000 lbs.)					
Animal type:					
Total animal unit capacity			Current AU capacity		Final AU capacity
Add all numbers in column 4 for Current AU total			0		900
Add all numbers in column 6 for Final AU total					

VIII. Animal holding areas

Do any animals at the facility have access to pasture? ☐ Yes ☒ No

Complete the table below for the following animal holding areas. If needed, continue your list on an additional copy of this page.

- Total confinement barn with underfloor pit** - A barn where animals cannot access an outdoor area and liquid manure enters storage directly beneath the floor. This includes "shallow pits" or "pull plugs".
- Total confinement barn** - A barn where animals cannot access an outdoor area.
- Partial confinement barn** - A barn where animals can directly access an outdoor area (ie. associated open lot).
- Open lot** - An uncovered area where animals are housed outdoors.
- Individual animal housing area** - A structure that houses only one animal at a time (ie. calf huts/hutches).
- Working-Sorting-Hospital area** - A structure or area, covered or uncovered, where animals temporarily enter during load-out or load-in events or when additional care is needed to address medical issues with the animal.
- Milk parlor-Holding area** - A structure or area where animals temporarily enter prior to or during milking.

List each animal holding area in a separate column

Animal holding area ID	Use the far right column for non-rectangular holding areas						Non-Rectangular
Facility Site Sketch ID (i.e., #1, A, Barn 1)	Barn 1						
Status: (check one box only) Proposed - not permitted previously or permitted but not yet operational Existing - current operational component	☒ Proposed ☐ Existing ☐ Eliminating	☐ Proposed ☐ Existing ☐ Eliminating	☐ Proposed ☐ Existing ☐ Eliminating	☐ Proposed ☐ Existing ☐ Eliminating	☐ Proposed ☐ Existing ☐ Eliminating	☐ Proposed ☐ Existing ☐ Eliminating	☐ Proposed ☐ Existing ☐ Eliminating

List approximate holding area dimensions in feet

(If non-rectangular, use the far right column and list surface area)

Type of animal holding areas	Length X Width	Length X Width	Length X Width	Length X Width	Length X Width	Non-Rectangular (Surface Area)
Total confinement barn with underfloor pit	122' X 200'	X	X	X	X	sq. ft
Underfloor pit maximum depth (ft)	Pit Depth: 8	Pit Depth:	Pit Depth:	Pit Depth:	Pit Depth:	Pit Depth:
Underfloor pit volume (gal)	1,176,400 gal	gal	gal	gal	gal	gal
Total confinement barn	X	X	X	X	X	sq. ft
Partial confinement barn	X	X	X	X	X	sq. ft
Associated open lot dimensions (list area for non-rectangular lots)	X sq. ft	X sq. ft	X sq. ft	X sq. ft	X sq. ft	X sq. ft
Open lot	X	X	X	X	X	sq. ft
Individual animal housing area (ie calf huts/hutches that house one animal)	X	X	X	X	X	sq. ft
	Quantity:	Quantity:	Quantity:	Quantity:	Quantity:	Quantity:
Working-Sorting-Hospital area	X	X	X	X	X	sq. ft
Milk parlor-Holding area	X	X	X	X	X	sq. ft
Other buildings for animal husbandry	X	X	X	X	X	sq. ft

Indicate the maximum capacity (number of animals) of each animal holding area

The total number of all animals listed should match the final animal numbers listed on page 3.

Animal numbers					
Mature dairy cows (over 1,000 lbs.)					
Mature dairy cows (under 1,000 lbs.)					
Dairy heifers					
Dairy calves					
Veal					
Slaughter steer/heifer, stock cow or bull					
Feeder cattle-stocker/background/heifer					
Cow and calf pair					
Beef calves (weaned)					
Swine over 300 lbs.					
Swine between 55 and 300 lbs.	3000				
Swine under 55 lbs.					
Horses					
Sheep or lamb					
All chickens with liquid manure system					
Broiler chickens over 5 lbs. - dry system					
Broiler chickens under 5 lbs. - dry system					
Laying hens over 5 lbs. - dry system					
Laying hens under 5 lbs. - dry system					
Turkeys - over 5 lbs.					
Turkeys - under 5 lbs.					
Other:					

IX. Liquid Manure Storage Areas (LMSA)

Complete the table below for all your LMSAs based upon liner type. If needed, continue your list on an additional copy of this page.

Additional Instructions:

1. **Do not list below barn LMSAs in this table** – This information has been captured in the animal holding areas table.
2. LMSAs with more than one liner type - List this LMSA in the category that represents the sidewall primary liner type.
For example: a LMSA with a concrete floor and earthen sidewalls should be listed in the LMSA - Earthen category.
3. LMSAs with dual liners, which is a primary liner underlain by a secondary liner (typically only in karst susceptible areas) - List the LMSA in the category that represents the primary liner; which is, the liner in direct contact with the manure.
For example: a HDPE plastic lined LMSA underlain by a compacted clay liner should be listed in the LMSA - Synthetic category.
4. Use the two right columns for circular and other non-rectangular shapes.

LMSA ID						Circular	Non-Rectangular
List each LMSA in a separate column							
Facility Site Sketch ID							
Status: (check only one)	☐ Proposed	☐ Proposed	☐ Proposed	☐ Proposed	☐ Proposed	☐ Proposed	☐ Proposed
See animal holding area table for definitions	☐ Existing	☐ Existing	☐ Existing	☐ Existing	☐ Existing	☐ Existing	☐ Existing
	☐ Eliminating	☐ Eliminating	☐ Eliminating	☐ Eliminating	☐ Eliminating	☐ Eliminating	☐ Eliminating

List approximate LMSA dimensions in feet							
Type of LMSA Liner	(If non-rectangular, use the appropriate column and list diameter or surface area)						Non-Rectangular (Surface Area)
Do not list below barn LMSAs	Length X Width	Length X Width	Length X Width	Length X Width	Length X Width	Circular	
LMSA - Earthen	X	X	X	X	X	Diameter:	sq. ft
Maximum depth (ft)	Depth:	Depth:	Depth:	Depth:	Depth:	Depth:	Depth:
LMSA - Concrete	X	X	X	X	X	Diameter:	sq. ft
Maximum depth (ft)	Depth:	Depth:	Depth:	Depth:	Depth:	Depth:	Depth:
LMSA - Synthetic ^a	X	X	X	X	X	Diameter:	sq. ft
Maximum depth (ft)	Depth:	Depth:	Depth:	Depth:	Depth:	Depth:	Depth:
LMSA - GCL ^b	X	X	X	X	X	Diameter:	sq. ft
Maximum depth (ft)	Depth:	Depth:	Depth:	Depth:	Depth:	Depth:	Depth:
LMSA - Steel tank ^c	X	X	X	X	X	Diameter:	sq. ft
Maximum depth (ft)	Depth:	Depth:	Depth:	Depth:	Depth:	Depth:	Depth:
LMSA - Other	X	X	X	X	X	Diameter:	sq. ft
Maximum depth (ft)	Depth:	Depth:	Depth:	Depth:	Depth:	Depth:	Depth:

List the LMSA volume in gallons

Volume of LMSA (gal)							
----------------------	--	--	--	--	--	--	--

- a. Synthetic liners include all plastic or rubber liners (HDPE, EPDM, LDPE, LLDPE, PVC, etc.).
- b. GCL refers to all types of geosynthetic clay liners where bentonite clay is confined between two synthetic membranes (ie. bentomat®).
- c. Steel tank refers to above ground steel tanks including those with concrete floors (ie. slurystore®).

X. Other Facility Components

Complete the table below for the following facility components. If needed, continue your list on an additional copy of this page.

1. **Permanent Stockpile** - An area where solid manure is stored or processed. Do not list temporary stockpiles
2. **Feed Storage Area** - Areas where any type of feed is stored in outdoor piles/bunkers, including those covered with plastic.
DO NOT list vertical silos, grain bins, commodity sheds, or other totally enclosed structures.
3. **Mortality Compost Area** - **ONLY** list mortality management areas that compost dead animals with litter or manure.
4. **Vegetated Infiltration Area (VTA)** - A vegetated area with berms on all sides so that liquid can only leave via infiltration into the soil.
5. **Filter-Buffer Strip** - A vegetated area where liquid flows over a grassed area and is allowed to leave the area via surface flow.

List each component in a separate column							
Component ID	Use the two far right columns for non-rectangular shapes						Non-Rectangular Non-Rectangular
Facility Site Sketch ID							
Status: (check only one)	☐ Proposed	☐ Proposed	☐ Proposed	☐ Proposed	☐ Proposed	☐ Proposed	☐ Proposed
See animal holding area table for definitions	☐ Existing	☐ Existing	☐ Existing	☐ Existing	☐ Existing	☐ Existing	☐ Existing
	☐ Eliminating	☐ Eliminating	☐ Eliminating	☐ Eliminating	☐ Eliminating	☐ Eliminating	☐ Eliminating

List approximate component dimensions in feet							
Type of Component	(If non-rectangular, use one of the two far right columns and list surface area)						Non-Rectangular Non-Rectangular
	Length X Width	Length X Width	Length X Width	Length X Width	Length X Width	Non-Rectangular	Non-Rectangular
Permanent Stockpile	X	X	X	X	X	sq. ft	sq. ft
Feed Storage Area	X	X	X	X	X	sq. ft	sq. ft
Mortality Compost Area	X	X	X	X	X	sq. ft	sq. ft
Infiltration Area (VTA)	X	X	X	X	X	sq. ft	sq. ft
Filter-Buffer Strip	X	X	X	X	X	sq. ft	sq. ft

XI. Construction stormwater (CSW) requirements (complete only if construction is proposed)

When construction activities are proposed, indicate the expected acreage of soil disturbance: _____ acres

Construction at the facility disturbs one acre or more but less than 5 acres must comply with the requirements of the CSW NPDES general permit, unless a separate application is made for a CSW permit.

Prior to construction at the facility that disturbs 5 or more acres an application for a CSW permit is required.

XII. Notifications and public meetings

The notifications and public meetings below are required to be done **before** permit issuance.

A. Notification to local zoning officials

When required. This notification is required in *either* of the following situations:

- **Construction of a new** feedlot, or manure storage area (i.e. new site) of any AU capacity.
- **Expansion of an existing** feedlot, or manure storage area of any AU capacity.

Notification methods. The applicant must provide notification of the construction or expansion to all local zoning authorities, including county, town, and city zoning authorities, at least 30 days prior to commencement of the construction or expansion. This notification *must* include, at a minimum, the information provided in Minn. R. 7020.2000, subp.4.,A (1) (a) (i to v).

An example notification can be found in the factsheet [Public Notification Requirements – Feedlots](https://www.pca.state.mn.us/feedlots) available on the MPCA website at <https://www.pca.state.mn.us/feedlots>.

B. Notice to residents and property owners within 5,000 feet of a proposed project

When required. This notice is required in *either* of the following situations:

- **Construction of a new** feedlot, or manure storage area, which will have a capacity of 500 AU or more (i.e. new site).
- **Expansion of an existing** feedlot, or manure storage area, which currently has, or will have upon completion of the expansion, a capacity of 500 AU or more.

Notice methods. The owner shall not less than 20 business days before the anticipated issuance date of the permit, provide notice to each resident and each owner of real property within 5,000 feet of the perimeter of the proposed facility. This notice *must* include, at a minimum, the information provided in Minn. R. 7020.2000, subp.4.

An example notice can be found in the factsheet [Public Notification Requirements – Feedlots](https://www.pca.state.mn.us/feedlots) available on the MPCA website at <https://www.pca.state.mn.us/feedlots>.

Verification of notice.

The MPCA must verify that this notice has been completed prior to permit issuance.

Please include with this permit application one of the following options that provides verification that the required notice has been completed:

- An affidavit of publication from a newspaper of general circulation used to provide this notification.
- A list of all parties, with their location, that were notified by certified mail and copies of all signed mail return receipts.
- A list of all parties, with their location, that were personally visited with a date and signature from each party and certification signed by a notary public indicating in detail what was discussed.

C. Non-delegated county public meeting minutes (Minn. Stat. § 116.07, subd. 7(l))

A county which has not accepted delegation of the feedlot program must hold a public meeting prior to issuance of a feedlot permit by the MPCA for an animal feedlot with a capacity of 300 or more animal units.

Date meeting has occurred or is scheduled to occur: _____

Verification of public meeting.

A copy of the meeting minutes must be provided to the MPCA for verification of completion of this requirement prior to permit issuance.

XIII. Certifications and signature

Notification to local officials

The Applicant certifies that, if the application includes construction of a new facility or expansion of an existing facility, all local zoning authorities have been notified in accordance with Minn. R. 7020.2000 subp. 5.

Construction Stormwater (CSW) Requirements

The Applicant certifies that, if construction will disturb 5 or more acres, they have made a separate application for a CSW permit. For construction activities that disturb at least 1 acre but less than 5 acres, the Applicant certifies to comply with the requirements of the current CSW NPDES general permit (Minn. R. 7090.2020 provides permit coverage without the need for an application).

Need for NPDES or SDS permit

If the MPCA determines that a NPDES or SDS permit is required, the Applicant certifies that this application will serve as an application for a NPDES or SDS permit, as appropriate. The Applicant agrees to submit additional information, as requested by the MPCA, in order to complete the NPDES or SDS permit application process including payment of the permit application fee.

Applicant Signature

I hereby certify that the design, construction, and operation of the facility will be in accordance with this application and plans, specifications, reports, and related communications approved by the MPCA, and in accordance with applicable permit conditions or regulations/standards of the MPCA. I also certify under penalty of law that this document and all attachments were prepared under my direction or supervision and the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

The person that signs this application must be one of the following:

- A. For a corporation, a principal executive officer of at least the level of vice president
- B. For a partnership, a general partner
- C. For a sole proprietorship, the proprietor

By typing/signing my name below, I certify the above statements to be true and correct, to the best of my knowledge, and that this information can be used for the purpose of processing this form.

Signature: Wayne Havemeier Title: owner
(This document has been electronically signed.) Date (mm/dd/yyyy): 3/25/2022
Office phone: 507-382-8254 Cell phone: 507-382-8254

To sign up for electronic communications including the MPCA feedlot newsletters, please go to the MPCA website at <https://public.govdelivery.com/accounts/MNP/CA/subscriber/new>.

Required enclosures (Permit applications submitted without all required enclosures are incomplete.)

All forms are available on the [CSF & Interim permits](https://www.pca.state.mn.us/feedlots) page of the MPCA feedlot program website at: <https://www.pca.state.mn.us/feedlots>

- ☒ A. A site sketch/aerial photograph indicating the location of the existing and proposed facility components.
- ☒ B. A Manure/Nutrient Management Plan (MMP) – The following are optional forms to assist with MMP development:

When **all** manure is transferred to another entity for utilization, complete a MMP using the form:

[MMP requirements when ownership of manure is transferred.](#)

When **any** portion of manure is applied to land owned, rented, or leased by the applicant(s), or applied to other land where nutrient application decisions are made by the applicant(s), complete a MMP using the spreadsheet form:

[MPCA Manure Management Planner.](#)

Notes: The MMP requirements when ownership of manure is transferred form is incorporated into the spreadsheet to account for instances when only some of the manure is transferred.

- ☒ C. Plans and Specifications for construction, modification, or expansion of any of the following:
 - Liquid manure storage area
 - Vegetative infiltration area (VTA)
 - Permanent manure stockpile
 - Filter-Buffer strip
- ☐ D. Environmental Assessment Worksheet (EAW) Fee. When environmental review is required **and** the site is located in a non-delegated county, there is a fee of \$4,650 for processing of an Environmental Assessment Worksheet (EAW). The fee must be included with this permit application. (**Check payable to:** Minnesota Pollution Control Agency)
- ☒ E. Verification of the notifications required in part XII of this application. If not submitted with the application, the MPCA must receive the verification prior to permit issuance. It is strongly recommended that the applicable verifications be included with the permit application.



Mankato Office | 12 Civic Center Plaza | Suite 2165 | Mankato, MN 56001-8704 | 507-389 5977
800-657 3864 | Use your preferred relay service | info.pca@state.mn.us | Equal Opportunity Employer

April 8, 2022

VIA EMAIL

Wayne Havemeier
41230 441st Avenue
Nicollet, MN 56074-4312

RE: Construction Short Form Permit Number: MPCA-CSF 0456
Feedlot Registration Number: 103-127729
Facility Name: Wayne Havemeier and Teresa Havemeier
Facility Address: 53095 Fort Rd New Ulm, MN 56073

Enclosed is the Construction Short Form permit issued to your facility. You are authorized to construct and/or expand your facility in accordance with your permit application, the enclosed permit, and any other applicable rules and regulations. The permit includes a facility components table that identifies the authorized components. This permit shall supersede any and all previous feedlot permits issued to the facility.

Be sure to read and understand the enclosed permit including all notifications and submittals required as part of your construction or expansion.

If you have any questions about the Construction Short Form permit, please contact the MPCA feedlot program staff person assigned to Brown County. Current MPCA staff contacts are identified by the [Feedlot Permitting and Compliance Field Staff Map](#) available on the MPCA website at: <http://www.pca.state.mn.us/water/feedlots>.

Sincerely,

Mark P. Gernes

This document has been electronically signed.

Mark P. Gernes
Environmental Specialist
Watershed Division

MPG:mt

Attachment

cc: Deanna Biehn, Nicollet County (w/attachment) (electronic)
Jason Hoehn, ISG (w/attachment) (electronic)

**AUTHORIZATION FOR THE CONSTRUCTION AND/OR EXPANSION
OF AN ANIMAL FEEDLOT OR MANURE STORAGE AREA
HAVING A CAPACITY OF 300 TO 999.9 ANIMAL UNITS (AU).
CONSTRUCTION SHORT FORM (CSF) PERMIT NUMBER: MPCA-CSF 0456**

Permittee: Teresa Havemeier, Wayne Havemeier
Facility name: Wayne Havemeier and Teresa Havemeier
Facility Address: 53095 Fort Road
New Ulm, MN 56073
Registration number: 103 127729
Maximum AU capacity: 900 AU
Issuance date: April 8, 2022
Expiration date: April 7, 2024 (11:59 p.m.)

The state of Minnesota, on behalf of its citizens through the Minnesota Pollution Control Agency (MPCA), authorizes the Permittee named above to construct and/or expand the proposed facilities described in the permit application and related submittals. Any design plans and specifications prepared for the proposed construction or expansion, including approved amendments, are incorporated by reference into this permit.

The Permittee must comply with the planning, design, construction, notification, and operation requirements of Minn. R. 7020.2000 to 7020.2225, and all applicable requirements in Minn. Stat. chs. 115 and 116, as amended, and Minn. R. chs. 7001, 7020, 7050, and 7060.

This permit is effective on the issuance date identified above and supersedes any previous animal feedlot permit coverage. This permit expires at midnight on the expiration date identified above.

Signature: *Mark P. Gernes*

for the Minnesota Pollution Control Agency

This document has been electronically signed.

Mark P. Gernes
Environmental Specialist
Watershed Division

ATTACHMENT E.3
M.P.C.A. Feedlot Permit

Table of Contents

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1. Authorized facility components	3
2. Permit requirements.....	4

Permit issued: April 8, 2022
Permit expires: April 7, 2024

1. Authorized facility components

Site description	Component description	Status	Type	Length (ft)	Width (ft)	Depth (ft)	Capacity	Units	Animal type	Head
Wayne Havemeier and Teresa Havemeier	Barn 1	Proposed	Total Confinement with Underfloor Liquid Storage	200	122				Swine 55-300 lbs	3,000
Wayne Havemeier and Teresa Havemeier	LMSA 1	Proposed	LMSA - Under Total Confinement Barn	200	122	8	1,176,400	gallons		

2. Permit requirements

1.1	Construction Requirements. [Minn. R. 7020]
1.2	Construction that disturbs one to less than five acres - The Permittee is granted coverage under the National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Construction Stormwater General Permit for any projects that disturb one to less than five acres of soil. The Permittee must comply with the requirements of the general construction stormwater permit including the development of a Stormwater Pollution Prevention Plan (SWPPP) prior to construction activities and implementation of sediment controls during construction. The current Construction Stormwater General Permit is available on the MPCA website at http://www.pca.state.mn.us . [Minn. R. 7090.2020]
1.3	Construction that disturbs 5 or more acres - If the construction activities disturb five or more acres of soil the Permittee is required to submit an application for coverage under a NPDES/SDS Construction Stormwater Permit prior to commencement of construction. [Minn. R. 7090.2020]
2.1	Additional Requirements for Liquid Manure Storage Area (LMSA) Construction. [Minn. R. 7020]
2.2	The Permittee shall notify MPCA at least three (3) working days prior to the start of construction of each LMSA. The Permittee shall notify the MPCA via telephone or electronic mail. [Minn. R. 7020.2100]
2.3	The Permittee shall notify MPCA within three (3) working days of completing construction of each LMSA and before backfill against vertical concrete-lined walls. The Permittee shall notify the MPCA via telephone or electronic mail. [Minn. R. 7020.2100]
2.4	The Permittee shall ensure that the construction inspections required by Minn. R. 7020.2100, subp. 6. are performed. [Minn. R. 7020.2100]
2.5	The Permittee shall submit a construction report to the MPCA within 60 working days of completion of the LMSA. The report shall be prepared and signed by the design engineer and shall contain the following: a) An assessment by the design engineer of whether the completed LMSA conforms to the plans and specifications approved by the MPCA; b) The completed <i>Liquid Manure Storage Area Construction Inspection Form (wq-f8-93)</i>; and c) As-built plans that contain, in detail, the final construction plans and specifications for the LMSA(s), as well as details of any changes made during construction to the original MPCA approved plans and specifications. [Minn. R. 7020.2100]
2.6	The Permittee may commence operation of a LMSA prior to submittal of the required construction report. However, the MPCA may require removal of any material within the LMSA if the construction report indicates the LMSA does not conform to the approved plans and specifications. [Minn. R. 7020.2100]
3.1	General Conditions. [Minn. R. 7020]
3.2	Extensions - If the work authorized by this permit cannot be completed prior to expiration of the permit, you may request an extension of up to 24 months. The request must be received at least 90 days prior to expiration of the permit and comply with Minn. R. 7020.0535, subp. 5. [Minn. R. 7020.0535, Subp. 5]
3.3	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 a permit. [Minn. R. 7001.0150, Subp. 3]
3.4	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, Subp. 3]
3.5	The permit does not convey a property right or an exclusive privilege. [Minn. R. 7001.0150, Subp. 3]
3.6	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, Subp. 3]
3.7	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, Subp. 3]
3.8	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, Subp. 3]
3.9	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, Subp. 3]
3.10	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, Subp. 3]
3.11	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, Subp. 3]
3.12	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, Subp. 3]
3.13	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, Subp. 3]
3.14	The Permittee shall report noncompliance with the permit not reported under the previous condition 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 information listed in the previous condition within 30 days of the discovery of the noncompliance. [Minn. R. 7001.0150, Subp. 3]
3.15	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, Subp. 3]
3.16	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, or 7020.0405, subp. 4 if applicable. A person to whom the permit has been transferred, or reissued, shall comply with the conditions of the permit. [Minn. R. 7001.0150, Subp. 3]
3.17	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, Subp. 3]

Odor From Feedlots Setback Estimation Tool (OFFSET)

4/11/2022

Wayne Havemeier

MNG CSF0456

11-09-100-004

Swine 900 AU

		width (ft)	length (ft)	# of source	Odor emission #	Odor control factor	Odor emission factor
Source 1	Barn #1 Swine Finishing; Deep pit	122	200	1	34	1	82.96
Source 2							0.00
Source 3							0.00
Source 4							0.00
Source 5							0.00
Source 6							
Source 7							

Total odor emission factor

82.96

Distance to nearest non accessory dwelling

1920' to ne
1865' to n
2874' to nw
3570' to se
4260' to sw
20,000 to Klossner
33,000 to Lafayette

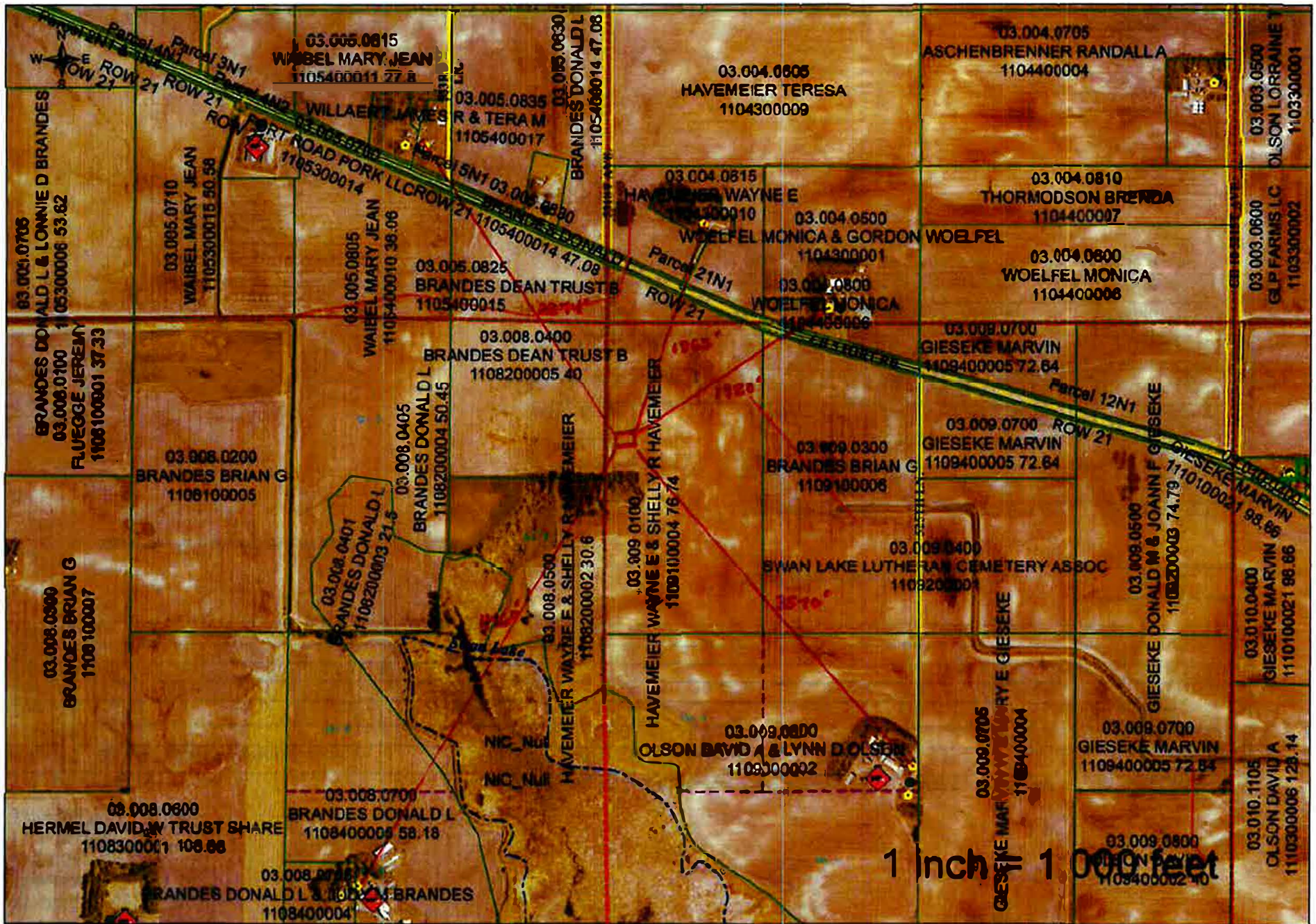
Annoyance free level

Setbacks (feet)

Setbacks (mile)

99%	6020.70	1.14
98%	3584.17	0.68
97%	2286.76	0.43
96%	1689.80	0.32
94%	1212.82	0.23
93%	1089.14	0.21
91%	849.05	0.16

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



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. Property Services Department of Nicollet County assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data.

Marvin & Mary Gieseke
51680 Fort Rd
New Ulm, MN 56073

David & Lynn Olson
41792 525th Ln
New Ulm, MN 56073

Swan Lake Lutheran Cemetery
Association
51680 Fort Rd
New Ulm, MN 56073

Dean Brandes Trust
43424 553Rd Ln
Courtland, MN 56021

Marvin Gieseke
51680 Fort Rd
New Ulm, MN 56073

Joey Fischer & Kala Breuker
52956 Fort Rd
New Ulm, MN 56073

Randall & Nicole Aschenbrenner
40636 521st Ave
New Ulm, MN 56073-4344

Wayne & Shelly Havemeier
41230 441st Ave
Nicollet, MN 56074

Monica Woelfel
28870 Impala Ave
Wabasso, MN 56293

Monica & Gordon Woeflel
28870 Impala Ave
Wabasso, MN 56293

Donald Brandes
53619 422nd St
New Ulm, MN 56073

Brian Brandes
53737 430th St
Courtland, MN 56021

Wayne Havemeier
41230 441st Ave
Nicollet, MN 56074

Mary Waibel
45438 541st Ave
Courtland, MN 56021

Sarah Kelley
Brighton Township Clerk
53724 Fort Rd
New Ulm, MN 56073



03/01/2022 - 04/30/2022 Permit Report

RECORD ID	RECORD TYPE	DESCRIPTION	ADDRESS	OWNER NAME
BLD22-00027	SSTS Permit	Septic for a new residence/shed combination unit	47273 435TH AVE NICOLLET, MN 56074	TC FARMS LLC
BLD22-00028	SSTS Permit	Replacement septic system for a 3 bedroom house. Replacement for property transfer	37508 US HIGHWAY 169 ST PETER, MN 56082	PHILLIPS MARY A
BLD22-00029	SSTS Compliance Inspection	Compliance inspection required from property transfer.	53415 409TH AVE N MANKATO, MN 56003	VALLEY CUSTOM PROPERTIES INC
BLD22-00030	SSTS Compliance Inspection	Compliance inspection required from property transfer.	37789 STATE HIGHWAY 22 ST PETER, MN 56082	QUIST NATHAN & MARIA QUIST
BLD22-00031	SSTS Compliance Inspection	Compliance inspection required from property transfer.	52991 DEERWOOD TRL N MANKATO, MN 56003	CLEMENT MARY JEAN & THOMAS ALLEN CLEMENT
BLD22-00032	SSTS Compliance Inspection	Compliance inspection required from property transfer.	40322 COUNTY ROAD 15 ST PETER, MN 56082	RANWEILER ROSE E
BLD22-00033	SSTS Compliance Inspection	Compliance inspection required from property transfer.	40027 STATE HIGHWAY 22 ST PETER, MN 56082	RODNING NICHOLAS P. & JANET L. RODNING
BLD22-00034	SSTS Compliance Inspection	Compliance inspection required from property transfer.	36007 571ST AVE LAFAYETTE, MN 56054	FLUEGGE RHILEY
BLD22-00035	Structure Permit	new 45 x 48 pole shed to be used as a garage.	39442 356TH ST LE SUEUR, MN 56058	REGENSCHEID GLEN J REVOCABLE TRUST
BLD22-00036	SSTS Permit	Septic for new 3 bedroom house. New 1500/2 septic tank, new 500 pump tank and new mound soil treatment area designed for this location. Soil verification required before installation.	0	UMHOFER SCOTT & KIM UMHOFER
BLD22-00037	SSTS Compliance Inspection	Compliance inspection required from property transfer.	42030 JUDSON BOTTOM RD N MANKATO, MN 56003	VOIGHT CODY J
BLD22-00038	SSTS Compliance Inspection	Compliance inspection required from property transfer.	49794 491ST AVE COURTLAND, MN 56021	RENGSTORF NICHOLAS
BLD22-00039	SSTS Compliance Inspection	Compliance inspection required from property transfer. Inspection received 1 year after inspection completed. Deadline is 3/30/2025	51731 COUNTY ROAD 21 COURTLAND, MN 56021	BRITTANY A PHILLIPS AND NATHANAEAL P PHILLIPS
BLD22-00040	SSTS Permit	Holding tank for new shop bathroom. Pumping contact with Jadd Seppmann & Sons. Approval from City of Nicollet granted for new building and plumbing to a holding tank.	2 MAIN ST NICOLLET, MN 56074	DORN KEVIN J & BARBARA J
BLD22-00041	SSTS Compliance Inspection	Compliance inspection for property transfer	38417 490th ST St Peter, MN 56082	HOLMGREN MARK A & DIANNA L HOLMGREN
BLD22-00042	Structure Permit	Two 48 diameter and one 36 diameter grain bins, 18 hopper bin, and 52 x 8 grain dryer. Controller and additional bins to be permitted separately at a later date.	0	MANN ERIK
BLD22-00044	Structure Permit	1339 square foot home addition, 4 bedrooms total.	42112 FORT RD ST PETER, MN 56082	YOST CHARLES & JESSICA YOST
BLD22-00045	Structure Permit	Construct a new 4 bedroom house 43' x 52.5' and attached garage 30'x36'. 3338 total sq feet. New septic design from Rodning Excavating	35763 641ST AVE GIBBON, MN 55335	STREI TREY & ALLISON STREI
BLD22-00046	Structure Permit	28x26 House addition including living space, and office and a covered porch. No basement.	48482 376TH ST NICOLLET, MN 56074	PICHELMANN PAUL N & RACHEL E PICHELMANN
BLD22-00047	SSTS Permit	Replacement Septic System for a 3 bedroom house located in shoreland and floodplain. Variance(s) required for installation due to the location of the property.	41576595TH LN NEW ULM, MN 56073	DINSE LUKE M & HANNAH L DINSE
BLD22-00048	Renewable Energy Permit	New small solar energy system consisting of 5 photovoltaic panels generating up to 34KW of AC power.	68274 FORT RD FAIRFAX, MN 55332	MEYER BRIAN
BLD22-00049	Structure Permit	Construct a new 3 bedroom patio house (24x52) with attached/farm shop building 108x118 total (12744 sqft). Construct a new detached 80x162 (12960 sqft) cold storage for farm equipment.	47273 435th Ave Nicollet, MN 56074	HEWITT TRAYTON
BLD22-00050	Structure Permit	New 12' x 12' laundry room addition to an existing home.	52213 466TH ST COURTLAND, MN 56021	FITZNER MARK W LIVING TRUST
BLD22-00051	Structure Permit	New 60' wide 60' tall grain bin on a concrete slab, replacing two older grain bins at the same location.	38579 413TH AVE ST PETER, MN 56082	ANNEXSTAD GRANT
BLD22-00052	SSTS Compliance Inspection	Compliance inspection for Main house on property for property transfer	49096 US HIGHWAY 14 NICOLLET, MN 56074	DOMER WANDA
BLD22-00053	Structure Permit	New 3 bedroom house with attached garage (3996 sq ft) and a detached shed with a bathroom and small kitchenette (2640 sq ft) New address to be assigned	0	UMHOFER SCOTT & KIM UMHOFER
BLD22-00054	SSTS Permit	New Septic system for a replacement house	40680 436TH ST ST PETER, MN 56082	SEITZER GERALD FRANK TRUST ETAL
BLD22-00055	Structure Permit	New Detached Garage 25x26 (650 sqft) No Plumbing No Heat.	61360350TH ST GIBBON, MN 55335	FRANTA BRUCE
BLD22-00056	Structure Permit	New 48' diameter grain bin on a concrete slab. A split and combination was recorded to provide enough rooms to meet setbacks.	45998 531ST AVE COURTLAND, MN 56021	FITZNER BROTHERS INC
BLD22-00057	SSTS Permit	Replacement septic system for a 3 bedroom house. Mound placed on adjoining parcel meeting all applicable setbacks	47506 411TH AVE N MANKATO, MN 56003	PETERS JEROME M & MARLYS J PETERS

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RECORD ID	RECORD TYPE	DESCRIPTION	ADDRESS	OWNER NAME
BLD22-00058	SSTS Permit	Replacement septic system for a 3 bedroom house. New tanks and new mound drainfield	40683 PURRIER CT N MANKATO, MN 56003	APPEL DONNA M
BLD22-00059	SSTS Permit	Replacement septic system for a 3 bedroom house. Existing system tank collapsed	62048 400TH LN NEW ULM, MN 56073	TANLEY CAROL A & MARYLOU A DAVIS
BLD22-00060	Structure Permit	New 32 x 50 personal storage shed.	67377 FORT RD FAIRFAX, MN 55332	FORSTCHAD & AUDRA FORST
BLD22-00061	Structure Permit	new 72' 1" x 50' home/shed combination.	0	LEE A THOMPSON LLC
BLD22-00062	Structure Permit	New 12' x 12' (144 sf) home addition. Same as BLD18-00174, but this permit expired without the structure being built.	47005 COUNTY ROAD 13 ST PETER, MN 56082	BLUE LEE E & KATHLEEN T
BLD22-00063	SSTS Compliance Inspection	Compliance inspection for property transfer	37122 358TH ST ST PETER, MN 56082	CARRINGTON MORTGAGE SERVICES
BLD22-00064	Structure Permit	New 52' x 48' shed, replacing existing shed.	38890 521ST AVE NEW ULM, MN 56073	WEBSTER MICHAEL A
BLD22-00065	Sign Permit	New 911 address with sign, post, and mailbox support.	0	LEE A THOMPSON LLC
BLD22-00066	SSTS Compliance Inspection	Compliance inspection for construction permit	37517 375TH AVE ST PETER, MN 56082	GREY BRIAN & PEGGY GREY
BLD22-00067	SSTS Compliance Inspection	Compliance for Property Transfer	40018 391ST AVE ST PETER, MN 56082	HAGER REAL ESTATE HOLDINGS LLC
BLD22-00068	SSTS Compliance Inspection	Compliance inspection for Property Transfer	40683 PURRIER CT N MANKATO, MN 56003	APPEL DONNA M
BLD22-00069	SSTS Compliance Inspection	Compliance inspection for property transfer	47507 391ST LN ST PETER, MN 56082	THORN RAYMOND C TESTAMENTARY TRUST
BLD22-00070	SSTS Compliance Inspection	Compliance inspection for property transfer	44822 551ST AVE COURTLAND, MN 56021	LUCAS LAVERN - LE
BLD22-00071	SSTS Compliance Inspection	Compliance inspection for property transfer	52899 MINNEWAUKON CT N MANKATO, MN 56003	WEILAGE SCOTT B
BLD22-00072	SSTS Compliance Inspection	Compliance inspection for property transfer	53590 409TH AVE N MANKATO, MN 56003	ALBRECHT FAMILY TRUST
BLD22-00073	SSTS Compliance Inspection	Compliance inspection for property transfer	59549 414TH LN NEW ULM, MN 56073	ANDREWS SHAWN H & KELCEY K ANDREWS
BLD22-00074	Structure Permit	New 26' x 32' garage. Variance PLN 22-02 was granted to allow this structure to be constructed in the front yard.	61797 SUNSET LN NEW ULM, MN 56073	FREIER TOBY & AMANDA FREIER
BLD22-00075	SSTS Compliance Inspection	Compliance inspection for property transfer	61785 SUNSET LN NEW ULM, MN 56073	MURRAY JAMES J & ELIZABETH A MURRAY
BLD22-00076	SSTS Permit	Replacement septic system with new mound and new septic and pump tanks designed for this house.	51743 350TH ST LAFAYETTE, MN 56054	PETTERSON DUANE G
BLD22-00077	SSTS Permit	Replacement septic system for a 5 bedroom house	38125 HONEYSUCKLE LN N MANKATO, MN 56003	MIAO JING & QINGFENG FAN
BLD22-00078	SSTS Permit	New house to replace house destroyed by fire. New soil treatment area and new tanks designed for this house	50059 461ST AVE NICOLLET, MN 56074	SOOST JOHN C & MARY BETH SOOST
BLD22-00079	Structure Permit	New 60' x 136' equipment washing shed, new 24' x 70' covered sick cattle pin, new 5000 waste storage tank.	35407 595TH AVE LAFAYETTE, MN 56054	C & J WASTE HANDLING LLC
BLD22-00080	Structure Permit	New 26 x 30 replacement garage.	48455 455TH AVE NICOLLET, MN 56074	NETZKE CEDRIC M & CARMELITA NETZKE
BLD22-00081	Structure Permit	New 30 x 30 personal storage shed.	47780 451ST AVE NICOLLET, MN 56074	NETZKE BENJAMIN H
FDL22-00001	Feedlot Construction	Existing feedlot of less than 10 AUs expanding to over 10 AUs.	41114387TH AVE ST PETER, MN 56082	WEBER NICK A