

Applicant

Triple R Pork, LLC
78 Cree Point Drive
Mankato, MN 56001

Request and location

Request for review and approval of a Conditional Use Permit to allow for the conversion of an existing swine farrow to finish operation to a finishing operation. The applicant is proposing to convert 7 total confinement barns from farrow to finish. The existing operation consists of 1,950 head of swine over 300 pounds, and 3,600 head of swine between 55 and 300 pounds. If approved the facility will house a total of 8,750 head of swine between 55 and 300 pounds. All manure is stored in existing 8 foot below barn concrete pits. The property is zoned Agricultural and is located in the Northeast Quarter of the Southeast Quarter of Section 9, Vernon Center Township.

Legal Description

This property is described as the Northeast Quarter of the Southeast Quarter of Section 9, Vernon Center Township.

Zoning

The property is zoned Agricultural.

General Site Description and Project Proposal

The site includes a 200 acre parcel that consists of cropland, thirteen total confinement swine barn, one farm storage building and one single-family dwelling. The parcel is bisected by Public Open Ditch CD 78. The project proposal is to convert seven existing total confinement barns from a farrowing operation to a finishing operation. The existing facility currently houses 3,600 head of swine weighing between 55 and 300 pounds (finishing pigs) and 1,950 head of swine weighing over 300 pounds (sows), for a total of 2,220 Blue Earth County animal units. The applicant is proposing to replace 1,950 head of swine over 300 pounds (sows) with 5,150 head of swine between 55 and 300 pounds (finishing pigs) for a total 8,750 head of finishing pigs or 3,500 animal units. This feedlot received a variance in 2017 to increase the maximum allowable county animal units from 3,000 up to 3,500 animal units. There are no changes being proposed to the exterior including the manure storage pit.

Manure and wash water from cleaning the pens will be stored in reinforced concrete storage pits located beneath the barns and will be land applied in accordance with an approved manure management plan. Pig mortalities from the site are composted at an off-site location.

Project Outcome

If approved the facility will house a total of 8,750 head of swine between 55 and 300 pounds for a total of 3,500 Blue Earth County animal units. All manure is stored in existing 8-foot below barn concrete pits. The property is zoned Agricultural and is located in the Northeast Quarter of the Southeast Quarter of Section 9, Vernon Center Township.

Land Use Plan

The Conditional Use is consistent with the goals and policies established in the Blue Earth County Land Use Plan.

Existing Land Use within ½ Mile

North: Cropland, and a swine finishing operation
South: Cropland, and Public Open Ditch CD78
East: Cropland
West: Cropland, and Public Open Ditch CD78

Road Access

No change in access is proposed at this time. The existing access is to and from 521st Avenue, a Township Road. Any future change or addition of access points must be approved by the applicable road authority.

Manure Management

The applicant has submitted a manure management plan (MMP) to Blue Earth County and the Minnesota Pollution Control Agency (MPCA), using an MPCA provided form for review.

Manure Storage Capacity of the Proposed Pit

There are no new manure storage pits being proposed.

Method of Manure Application

Manure will be pumped and land applied each fall. Manure will be immediately incorporated by injection when land applied. When necessary, and allowed, manure may be surface applied, provided all applicable setbacks are met. Manure application will be required to adhere to the setbacks as shown on Attachment A-5.

Permitting

The applicant has submitted an application to the MPCA for a NPDES permit. The applicant will also be required to update their Blue Earth County Feedlot Permit prior to re-stocking the barns if approval is granted.

NATURAL RESOURCES INFORMATION

Topography

According to the County's Two Foot Contour Map, the parcel is fairly flat to gently rolling. See Attachment A-3

Area Water Features

There are no rivers, streams or lakes within 1,000 feet of the proposed barn. Public Open Ditch CD 78 is located approximately 160 feet west of the existing barns.

Floodplain

According to the 2011 FEMA Preliminary Flood Maps the proposal is not located within one mile of any area mapped floodplain.

Shoreland

According to Blue Earth County's Shoreland Overlay district there are no areas mapped Shoreland within one mile of the proposal.

Predominate Soils

Although there is not any new construction being proposed, when the barns were built, the soil conditions were able to support the proposed use.

Tile Inlets

The applicant has submitted maps showing tile inlets on manure spreading acres.

Township Review

In an email dated February 6th, 2018, Vernon Center Township Chair, Jeff Hohenstein indicated the applicant met with the Township Board to review their proposal. The board did not have any objections, assuming that all state and county regulations were followed.

Environmental Health Review

See Attachment A-4

CODE OF ORDINANCES REVIEW

Standards for Granting a Conditional Use Permit

Sec. 24-47 Planning Commission (f) (1)

The Planning Commission shall not forward a recommendation of approval for a conditional use permit unless they find the following facts at the hearing where the applicant shall present a statement and evidence in such form as the Planning Agency may require:

- a. That the proposed use conforms with the county land use plan.
- b. The demonstrated need for the proposed use.
- c. That the proposed use will not degrade the water quality of the county.
- d. That the proposed use will not adversely increase the quantity of water runoff.
- e. That soil conditions are adequate to accommodate the proposed use.
- f. That the proposed use does not create a potential pollution hazard.
- g. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
- h. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
- i. That facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.
- j. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

- k. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.
- l. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.
- m. That the density of proposed residential development is not greater than the density of the surrounding neighborhood or not greater than the density indicated by the applicable zoning district.
- n. That site specific conditions and such other conditions are established as required for the protection of the public's health, safety, morals and general welfare.

Proposed Findings of Fact

Staff believes the request will meet the following standards required for the granting of a conditional use permit:

- a. That the proposed use conforms with the county land use plan.
The Land Use Plan supports agriculture, and agricultural operations. Since this proposal involves only a conversion of existing facilities and strictly exceeds setback standards and features below-barn liquid manure storage, there are no conflicts with the Land Use Plan.
- b. The demonstrated need for the proposed use.
Today's farming practices have changed and the transition of this operation will make it sustainable for future generations. The applicant would be unable to convert the feedlot operation without the granting of the Conditional Use Permit, for this reason the need exists.
- c. That the proposed use will not degrade the water quality of the county.
Manure and wash water will be stored in a below-barn liquid manure storage area. The existing manure storage area was designed and inspected by a licensed engineer. Manure and wash water will be land applied in accordance with Blue Earth County and Minnesota Pollution Control Agency standards. If all setbacks and standards are followed, the proposal will not degrade the water quality of the county.
- d. That the proposed use will not adversely increase the quantity of water runoff.
This are already existing facilities with no exterior changes proposed. Therefore, the proposed use will not adversely increase the quantity of water runoff.
- e. That soil conditions are adequate to accommodate the proposed use.
There is no new construction being proposed therefore this standard does not apply.

- f. That the proposed use does not create a potential pollution hazard.
The site will be monitored in the future for any pollution hazards by the Blue Earth County Feedlot Officer and the Minnesota Pollution Control Agency. Any potential pollution hazards will be addressed on a case by case basis.
- g. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
This site has been in operation for several years and it appears as though adequate utilities, access roads, drainage and other necessary facilities have been provided.
- h. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
An existing driveway is capable of providing parking areas for workers and load-out trucks so there will be no blocking of the roadway.
- i. That facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.
While there may be some increase in traffic for the expanded use, it should not create any congestion. Parking will be on the driveways for the barns, so there should not be any hazards created from on-street parking.
- j. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
The existing barn meets all setbacks, does not exceed the approved maximum capacity standards, and is located in the Agricultural Zoning District where animal feedlots are a Conditional Use. This proposal consists of only interior changes to the barn. Therefore, the granting of this Conditional Use Permit will not be injurious to the use and enjoyment of other properties in the area.
- k. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.
Neighboring properties are predominantly cropland. Any future residential development would require adherence to the feedlot-dwelling setback standards, but non-residential development would not be limited by any further setbacks.
- l. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.
The applicant will be required to follow all Blue Earth County and Minnesota Pollution Control Agency regulations regarding feedlot operation. The feedlot will also exceed all feedlot-dwelling setbacks, and building setbacks as established by the Blue Earth County Zoning Ordinance.

m. That the density of proposed residential development is not greater than the density of the surrounding neighborhood or not greater than the density indicated by the applicable zoning district.

This standard does not apply.

n. That the intensity of proposed commercial or industrial development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable zoning district.

This standard does not apply.

o. That site specific conditions and such other conditions are established as required for the protection of the public's health, safety, morals and general welfare.

The protection of the public's health, safety, morals and general welfare have been addressed through the required performance standards for this type of Conditional Use and in the conditions included below.

Recommendation

Staff recommends **APPROVAL** for Conditional Use Permit PC 07-18 to allow for the conversion of seven total confinement swine barns capable of housing 8,750 finishing pigs, for a total of 3,500 Blue Earth County animal units contingent upon the following conditions:

1. That the applicant must obtain a Blue Earth County Feedlot Permit prior to restocking the barns after the proposed remodel has been finished.
2. If required by the Department of Natural Resources, the applicant shall obtain a DNR "Water Appropriations Permit" before any animals are placed in the barn.
3. The application of manure shall comply with standards set forth by the MPCA and the County. The applicants manure management plan must be reviewed by the operator each year and updated each year and adjusted for any changes in the amount of manure production, manure nutrient test results and transfer of manure ownership. Records of manure transfer shall be maintained as required by the MPCA. Manure application setback standards for the fields on which the manure is applied shall be followed as required by the MPCA and the County.
4. That the disposal of dead animals be consistent with the Minnesota Board of Animal Health regulations.
5. That adequate measures be taken to minimize or control offensive odor, fumes, dust, noise, or vibrations so that none of these will constitute a nuisance.
6. If a shower, restroom, culinary and/or laundry facilities are to be included with the proposal, that wastewater handling practices are designed and constructed according to state requirements.

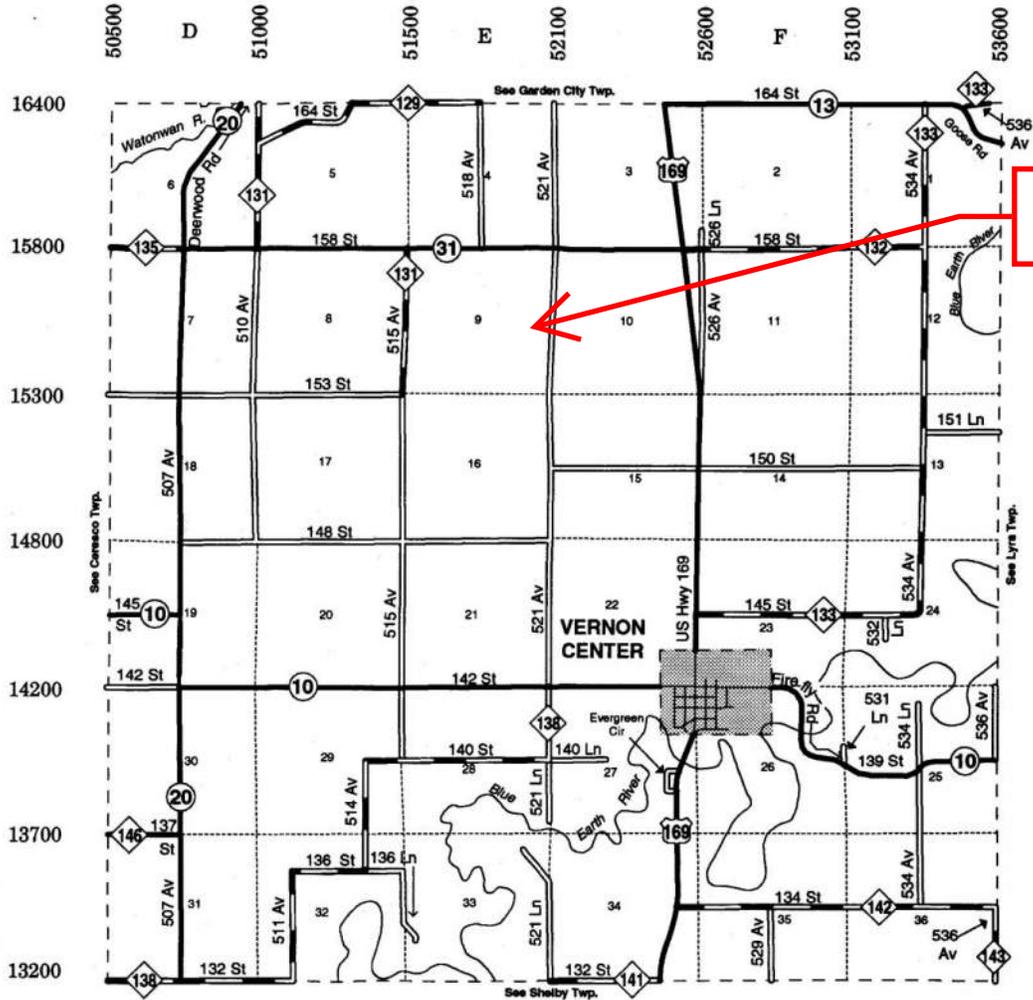
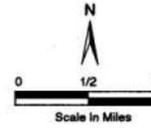
Attachments

- A-1 General Location Map
- A-2 Current / Proposed Site Map
- A-3 Topography Map
- A-4 Environmental Health Review
- A-5 Blue Earth County Manure Application Setbacks

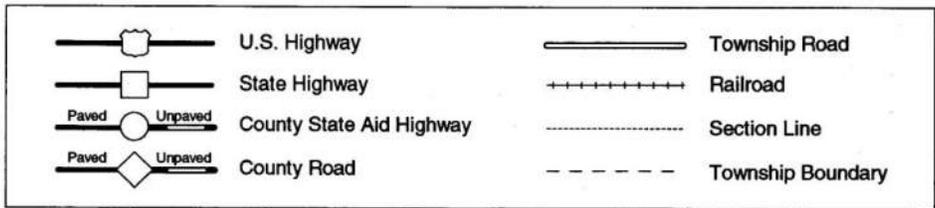
General Location Map Attachment A-1

Vernon Center

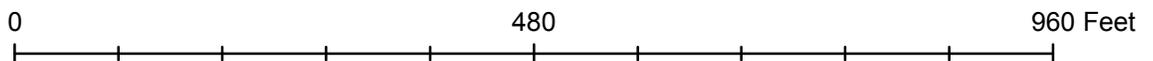
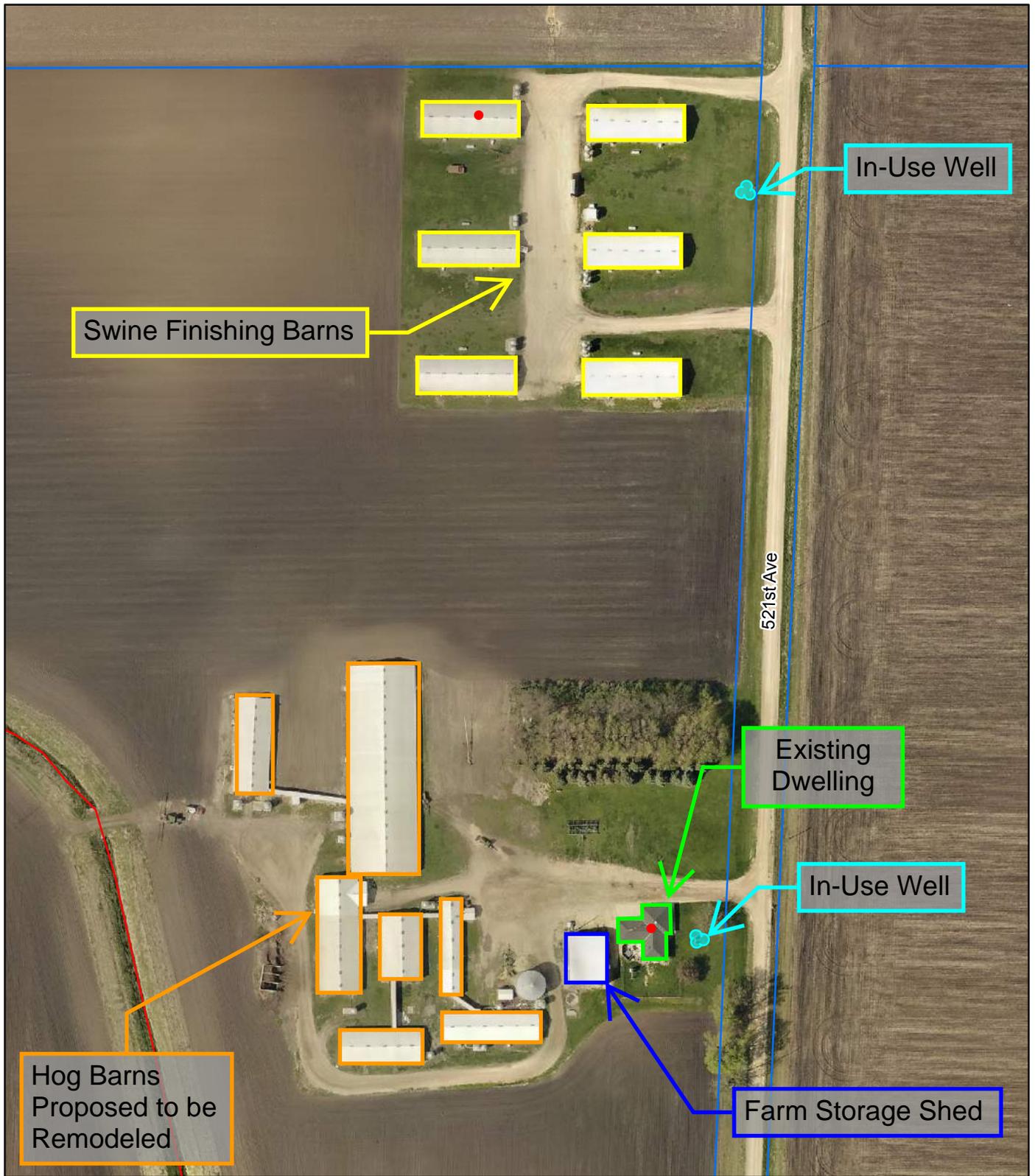
T 106 N - R 28 W



Location of the Proposal



Current/Proposed Site Map Attachment A-2



Topography Map Attachment A-3



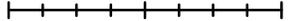
 Parcel

Elevation Contour

 Index (10 Ft)

 Intermediate (2 Ft)

0 87.5 175 350 Feet



Source: Contours - MN LiDAR 2012

**Environmental Health Review
Attachment A-4**

**BLUE EARTH COUNTY
ENVIRONMENTAL SERVICES**

*Government Center, 410 South Fifth Street
P.O. Box 3566, Mankato, Minnesota 56002-3566
Phone: (507) 304-4381 Fax: (507) 304-4431*

Environmental Health Section - Planning Application Reviews

Date Printed:	February 27, 2018	Permit Number:	PL2018009
Property Owner:	TRIPLE R PORK LTD LIAB CO	Applicant:	TRIPLE R PORK LTD LIAB CO
Parcel Number:	R52.17.09.400.010	File ID:	PC 07-18

Application Description: Request for review and approval of a Conditional Use Permit to allow for the conversion of an existing swine farrow to finish operation to a finishing operation. The applicant is proposing to convert 7 total confinement barns from farrow to finish. The existing operation consists of 1950 head of swine over 300 pounds, and 3600 head of swine between 55 and 300 pounds. If approved the facility will house a total of 8750 head of swine between 55 and 300 pounds. All manure is stored in existing 8 foot below barn concrete pits. The property is zoned agricultural and is located in the Northeast Quarter of the Southeast Quarter of Section 9, Vernon Center Township.

Septic Review

Status: Complete - Comments Received

Comments: Septic system was deemed non-compliant by Corey Seppmenn Well Drilling on 7/19/2017. The septic system will need to be upgraded by December of 2018. Anderson, Jesse 02/12/2018 12:27 PM

Well Review

Status: Complete - Comments Received

Comments: The enclosed site plan does not show any wells located on this property. A previous review of the County records indicates the property contains three wells, one sealed well, unique # H117844, properly sealed in 1998 by Corey Seppmann Well Drilling, one in-use well, unique # 439275, drilled in 1989 by Seppmann Well Drilling, and one in-use well, unique # 611715, drilled by Corey Seppmann Well Drilling in 1998. The 1989 well and the properly sealed well are both located on the building site with the proposed barn remodeling project while the 1998 new well is for the new hog confinement operation in the far NE corner of this property. The proposed project does not appear to negatively impact the known well situation on this property. grant 02/27/2018 11:46 AM

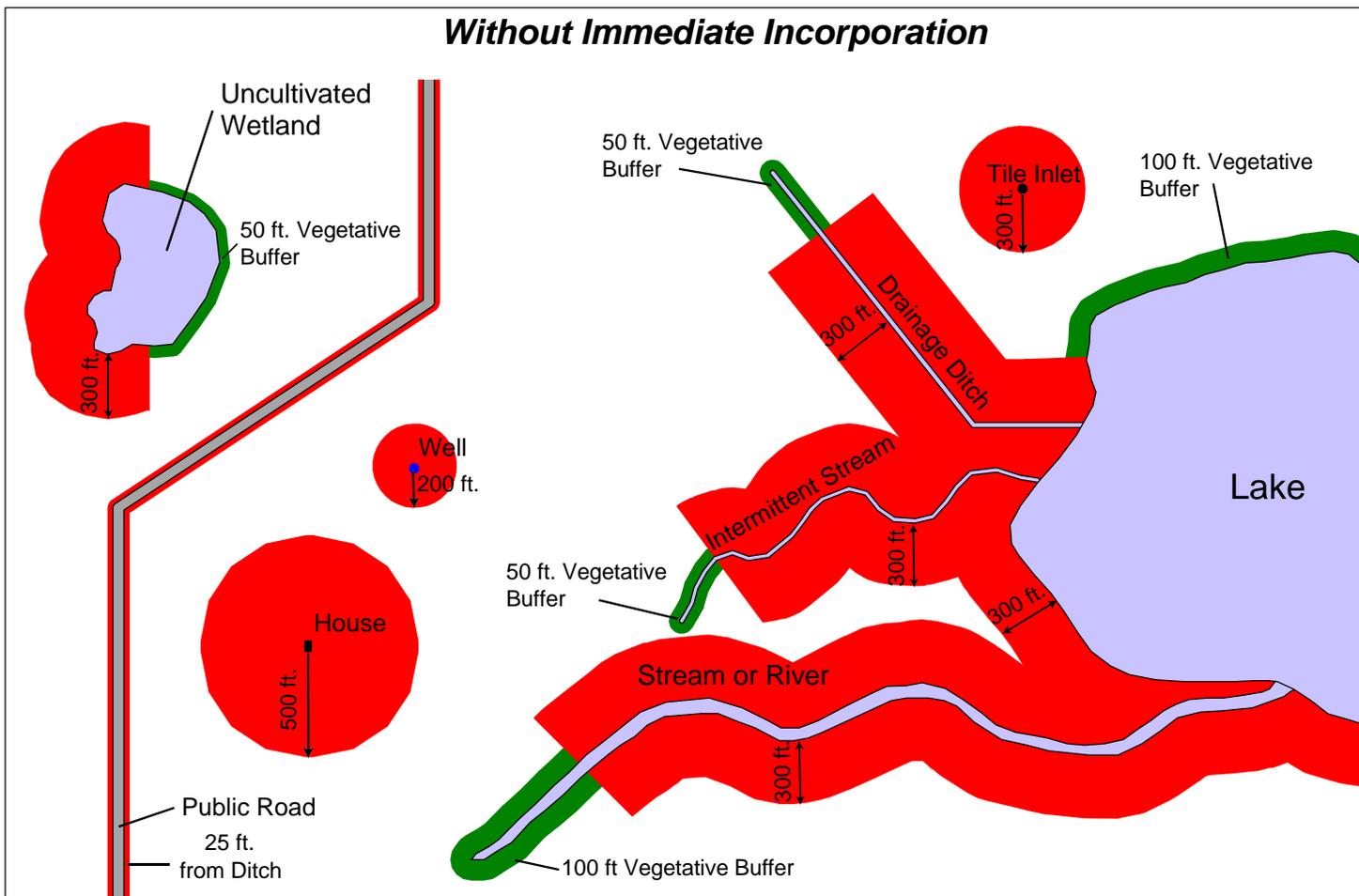
Wetland Review

Status: Complete - Comments Received

Comments: The proposed project will not expand the footprint of the existing building and therefore does not appear to impact any wetlands that may be on the property. Altrichter Kristine 02/12/2018 3:39 PM

Blue Earth County Manure Application Setbacks

Without Immediate Incorporation



When Incorporated Within 24-Hours

