

VIOLA TOWNSHIP BOARD
FINDINGS OF FACT AND CONCLUSIONS
CONDITIONAL USE PERMIT

Name of Applicant: Craig and Kevin Scanlan

Date: July 27, 2021

Tax Parcel Numbers: 721932083739

1. On April 12, 2021, Craig Scanlan submitted an application for a conditional use permit to be allowed to expand a feedlot. Craig and Kevin Scanlan are proposing to construct a 102' x 200' total confinement barn to house 2400 finish hogs. The existing facility is located in Olmsted County, Viola Township, Section 19, NW ¼ of the SW 1/4. The existing facility consists of 720 animal units or 2,400 swine between 55 and 300 lbs. which are housed in one 102' x 200' total confinement barn. Manure is currently stored in an existing 102' x 200' x 8' underfloor poured reinforced concrete liquid manure storage area. Following expansion, the total animal units will be 1,440 or 4,800 swine between 55 and 300 lbs. Manure from the proposed confinement barn will be stored in a 102' x 200' x 8' underfloor poured reinforced concrete liquid manure storage area.

2. On May 24, 2021 an informational meeting and public hearing was held in front of the Viola Township Planning Commission. This meeting was to meet the Minnesota Statue requirements on feedlot expansion and the Viola Township Ordinance requirements for an informational meeting. At that time the Planning Commission requested additional information prior to scheduling a formal public hearing on the conditional use permit application.

3. On May 28, 2021 notice was provided to Craig Scanlon that the Township would be taking an additional sixty days to make a decision. The additional days were required since the additional information had not been provided.

4. On July 20, 2021 the Planning Commission held a public hearing to consider said application. After taking public comment and hearing from the applicant, the Commission continued the meeting until July 27, 2021. After due deliberation the Commission finds:

Viola Township Zoning Ordinance, Section 10.26 – Animal Feedlots (ordinance in regular type, findings in italic)

C. Any animal feedlot requiring a conditional use permit shall, in addition to the criteria specified in Section 4.02, Conditional Uses, consider the following:

2. The public road serving the feedlots is adequate and would not need to be upgraded or improved in order to service the feedlots.

Feedlot is located on a 7 ton crushed rock township roadway. Large semi tractor-trailers are used to haul hogs in and out this putting additional burden on said roadway.

3. The proposed feedlot will not adversely affect the neighboring properties.

Neighbors testified that the current facility negatively impacts their quality of life because of the odor making it difficult to have their windows open or enjoy outdoor activities at their home.

Section 4.02 Conditional Use

- A. **Criteria for granting conditional uses:** In granting a conditional use, the Planning Commission shall consider the effect of the proposed use on the Comprehensive Plan and upon the health, safety and general welfare of occupants of surrounding lands. Among other things, the Commission shall consider the following:

5. The traffic generated by the proposed use can be safely accommodated on existing or planned street systems; and the existing public roads providing access to the site will not need to be upgraded or improved by the Township or County in order to handle the additional traffic generated by the use.

According to the applicant's proposal the buildings will turn over approximately 2.8 times per year. All of the animals will be hauled in, fattened and then hauled out. The increased semi-truck traffic on a 7 ton township crushed rock road will add extra burden on the township with little compensation through taxes.

6. Adequate measures have been taken or proposed to prevent or control offensive odor, fumes, dust, noise, vibration, or lighting which would otherwise disturb the use of neighboring property.

The current structure was built in 2017 and there is no indication that the proposed additional structure will be any different. Currently the applicant does not provide any measures for odor, noise or dust control. Nothing in this proposal has been offered to mitigate any of these things except a shelter belt. That same shelter belt was proposed with the first building and never constructed. They have had 4 years to do it and yet they still row crop the area where the shelter belt was to be established.

When deciding on a conditional use to the A-1 Agricultural District, the following additional factors shall be considered:

21. The amount of prime agricultural land with a crop equivalent rating of 60 or above that would be taken out of production as a result of the use.

The entire property is used agriculturally. CER's on the land range from a low of 85 to high of 90. The parcel is 6.93 acres which includes the road right-of-way. The current building removed approximately 2 acres from production, and you can assume the second building will remove about the same, for a total of 4 acres.

With no shelterbelt, approximately 2.93 acres would remain in row crop production. Currently approximately 5 acres remains in production.

22. The need for new public roads or the need for improvements to existing public roads is minimal.

The proposed feedlot expansion would put an additional burden on the township roadway budget. Additional heavy loads especially when it is wet or during spring thaw will create rutting in the roadway and require additional grading and road rock.

23. A thorough evaluation of the waterbody and topographic, vegetation, and soils conditions on the site must be made to ensure:

- a. The prevention of soil erosion or other possible pollution of public waters, both during and after construction;

The feedlot expansion includes a manure management plan. The plan shows where proposed land spreading activities are to take place. Comments were provided by Nicole Lehman, Area Hydrologist with the Minnesota Department of Natural Resources. "Reducing bacteria/aquatic recreation impairments are goals of the Zumbro River One Watershed, One Plan, WRAPS and the DNR. This feedlot expansion is inconsistent with these goals." It goes to say "The proposed feedlot is inconsistent with agency clean water goals and the goals of the Zumbro River TMDL, WRAPS and One Watershed, One Plan."

Motion by Commissioner _____ to deny the application including the finding as listed above. Seconded by Commissioner _____. Motion carried with _____ yes votes _____ no votes and _____ members abstained

DECISION

Application is hereby DENIED.

Signed this 27th day of July 2021

Scott Fredrickson, Chair

Attest:

Barb Nicklay, Clerk