

TOWNSHIP COOPERATIVE PLANNING ASSOCIATION -- CONSIDERATION OF ZONING REQUEST APPLICATION

4111 11th Avenue SW Room 10
Rochester, MN 55902

-- T CPA --

(507) 529-0774
Fax: (507) 281-6821

TOWNSHIP Viola DATE 8-6-21

Property Address 3322 80th AVE NE
Eyota MN 55934
City State Zipcode

Legal Property Description ON file

Property Owner Craig Scanlan Telephone # 507-269-7509
Eyota MN 55934
City State Zipcode

Type of Request Conditional Use Permit Rezoning Review of Decision
 Other

Request Description Request review of decision to grant CUP. Request language
Reason for Request change of CUP SEE ATTACHED

Existing Use of Property Feed lot

Present Zoning Classification A1 Requested Zoning Classification _____

Has a request for rezoning, variance, or conditional use on the property been previously sought?

Yes No If Yes, when? July 27th 2021

Signature of Applicant [Signature] Date 8-6-21

Filing Fee \$ 290⁰⁰, made payable to T CPA

Reviewed by the Planning Commission on _____, to consider the above request.

Approved Denied for the following reason(s) _____

Chairperson's Signature _____

Reviewed by the Town Board of _____ on _____, to consider the
recommendations of the Planning Commission on the above request. Approved Denied for the
following reason(s) _____

Board Chairperson _____

Town Clerk _____

Supervisor _____

Supervisor _____



Roger Irhke <roger@tcpamn.org>

Brian's on the way -Fwd: Concerns regarding CUP

1 message

Cheryl W. <ckjwinters@gmail.com>
To: Roger@tcpamn.org

Fri, Aug 6, 2021 at 2:50 PM

Roger,
Brian is on the way with this printed document. However, our printer ran out of black ink so we're sending it electronically so you can print a better copy if need-be.

He will try to call you en route.

-Cheryl

----- Forwarded message -----

From: **Brian Winters** <bwinters2114@gmail.com>
Date: Fri, Aug 6, 2021, 2:36 PM
Subject: Concerns regarding CUP
To: Cheryl Winters <ckjwinters@gmail.com>

Summary of reason for review Scanlan Feedlot CUP

Review of the decision by the Viola Planning Commission to grant Conditional Use Permit.

Viola ordinance section 4.02 Conditional Use item #23 requires that a through evaluation of the waterbody and topography related to a proposed CUP needs to be completed to ensure the prevention of possible pollution of public waters both during and after construction. In a memo dated July 19th, 2021 Nicole Lehman a DNR Hydrologist detailed her agencies concerns regarding the Scanlan's manure application plan. A summary of her concerns include details that 21 of the fields identified in the plan have intermittent streams and 5 are partially within floodplain. She also describes areas of shallow bedrock. This topography increases the potential for phosphorus and nitrates loading into nearby Silver Creek Reservoir and its tributary waterways. She states specifically that the Scanlan's proposed feedlot expansion is inconsistent with DNR agency clean water goals of the Zumbro River watershed. As an aggrieved party this writer does not believe that the recommendations of the DNR were properly considered by the Planning Commission in the granting of this CUP. The DNR is the primary agency charged with protecting and maintaining public waterways in the state of Minnesota. Their findings that this feedlot expansion is inconsistent with their goals should along with other previously discussed concerns should form the basis for denial. Since these waterways are the property of all Minnesotans and are a resource to all they should be protected by denial of the permit.

Summary of reason for review language of CUP

Item #15 of the Conditional Use Permit should be amended to include language similar to the following:

Per DNR recommendations a Karst walk must be completed on all proposed manure application sites prior to permitting. Annual karst walks must be required on all manure application sites before manure application. These annual walks are to ensure application sites meet required setbacks for surface karst features. The annual karst walk of manure application sites must be documented on MPCA karst forms and reviewed by an individual qualified in karst topography. These forms must be sent annually to the Viola Township clerk to ensure annual compliance.