

MINUTES
CLAY COUNTY BOARD OF ADJUSTMENT
5:30 PM, TUESDAY, SEPTEMBER 18, 2018
MTG ROOM B, CLAY COUNTY COURTHOUSE

Members Present: Amos Baer, Greg Anderson, Perry Bushaw, Ezra Baer

Members Absent: Paul Krabbenhoft

Others Present: Ben Oleson, Steven Beitelspacher, Rita Rueckert, Colleen Eck, Dwight Aakre, Colin Melby, Justin Demmer, Allison Demmer, Virginia Demmer, Jason Boushey, Keith Hansen, James Jennen, Steve Cullen, Marilyn Cullen, Dave Christensen, Carolyn Christensen, Matt Halseth, Lisa Lawson

The meeting was called to order at 5:30 p.m. by Amos Baer

Amos Baer chaired the meeting and read the meeting agenda.

On motion by Greg Anderson, seconded by Perry Bushaw, and unanimously carried, the Board approved the meeting agenda.

On motion by Greg Anderson, seconded by Ezra Baer, and unanimously carried, the Board approved the minutes from August 21, 2018.

MATT HALSETH – REQUEST FOR VARIANCE

The applicant is seeking approval of a variance allowing a platted subdivision to be allowed on parcel #24.013.4200, Section 13, T138, R44, Parke Twp. The proposed development would consist of 3 lake shore lots and 3 back lots. Ordinance 8-6-3 states additional setback requirements for new feedlots be one-half (1/2) mile (2640 feet) from any platted subdivision. The proposed lots would be as close as 450 feet from an existing feedlot.

On motion by Greg Anderson, seconded by Ezra Baer, and unanimously carried, the Board opened the public hearing.

Ben Oleson, Interim Planning Director stated the request is for a variance for new lots near a feedlot. There are 2 feedlots in the area – one is 550’ and the other is 2150’ from the proposed platted subdivision, not meeting current setback requirements. This property is in a Shoreland Protection District and it also has a Resource Protection overlay district for mining. He is not aware of other requests where the Resource Protection district has automatically been eliminated so that would be an additional matter that would need to be addressed. Anderson questioned Oleson about the quantity of animals and Oleson stated one feedlot has 93 pair and the other feedlot has 100 pair registered. Minimum setback requirement from water is 300’.

There was discussion regarding the location of the animals within the feedlot area. Setbacks for subdivisions from a feedlot is one-half mile; setback from a single residence to a feedlot is one-quarter mile. There are currently several homes within the area of the feedlot.

Matt Halseth came forward to represent Ward Muscatell (the property owner) regarding developing the land in question. The Applicant had questions regarding the date the ordinances were put in effect. Oleson discussed grandfathering in lots at the time the ordinance was adopted and pointed out the BOA is not dealing with a single residence but a request for 3 residences. There was previously a lot of record with a house on that full parcel. The house has since been demolished. Halseth states he is not looking to cause problems but just wants to be able to use the land that was purchased. He was aware of the feedlot across the road when the property was purchased.

Amos Baer asked for any other audience to speak. Dwight Aakre came forward to speak. He is representing the Parke Township officers. He stated the Township is opposed to granting this variance. He stated if you are not allowed to build a feedlot within a half mile of a residence, you shouldn't allow a residence to be built within a half mile of a feedlot. He had concerns for making farmable sections so small they are difficult to sustain income. He stated many of the parcels or quarters of farmland only have 40 or 50 tillable acres within the parcel.

Justin Demmer came forward. He operates the feedlot in question with his mother, Virginia, and has been MPCA registered since 2002. He is concerned about the impact to his livelihood. He appreciates that everyone enjoys meat but doesn't want it raised next door. He believes if he applied for a variance for an increase to his feedlot it would be denied and believes that this variance request should be treated equally. He is concerned that allowing this variance will open a floodgate down the road for further variances. There was discussion regarding the differences of feedlot vs. grazing and the distances required for these. Bushaw confirmed to Demmer that he believes he would get a fair hearing if he would come before the committee. Demmer stated the edge of the feedlot to residential property is 380 feet. The feedlot was incorporated in 2002 and has had cattle on it since 1982. The subdivision with the current houses were there before there was an ordinance.

James Jennen stated he lives next to Demmer and indicated he also would want to expand his feedlot in the future. He is concerned about future residential buildings shutting him down and impacting his livelihood. He is also concerned about additional housing increasing property values which increases property taxes. He believes the wind direction would bring his feedlot odor directly to these proposed properties. His feedlot is 2100 feet from the proposed buildings.

Keith Hansen lives approximately 1-1/4 miles west of Demmer. He stated the existing building site has been demolished. He believes the building was torn down within the past 3 months.

Jason Boushey stated he lives approximately 1 mile west of the parcel in question. He supports the Township's position on denying this request. He has cattle but is under the requirement for numbers to get a feedlot permit. He believes a person purchasing property should do their due diligence in determining what ordinances and rules apply to them and they should purchase the property and exist within those confines rather than purchasing and then asking for a change to the rules.

On motion by Ezra Baer, seconded by Perry Bushaw, and unanimously carried, the public hearing was closed.

Anderson is concerned about friction between feedlots and subdivisions. The current ordinances in place were created to prevent that friction. He referred to another recent similar variance request that was denied. He believes a variance would be difficult in this situation. Ezra Baer stated that the ordinance should be applied equally to feedlots and residential subdivisions. Perry Bushaw appreciates that they want to develop more housing for Parke Township, but he pointed out that the setbacks are to protect both feedlots and residential housing. He agreed with Ezra Baer's position of equally applying the ordinance.

On motion by Ezra Baer, seconded by Greg Anderson, and unanimously carried, the Board denied the request for a variance.

On motion by Greg Anderson and seconded by Ezra Baer, the meeting was adjourned at 6:10 PM.



Amos Baer, Chair
Clay County Planning Commission