

FARIBAULT PLANNING COMMISSION
MINUTES
January 7, 2019

1. CALL TO ORDER

Chair Ackman called the meeting to order at 7:00 p.m. Commissioners present: Dave Albers, Dave Campbell, Chuck Ackman, Mike Schendel, and Steve White.

Commissioners Absent: Ann Vohs, Vacant Seat (Commissioner Spooner was elected to City Council and had presented a letter of resignation on the Planning Commission on today's date).

Staff present: City Planner David Wanberg

2. APPROVAL OF MINUTES

A motion was made by Commissioner Campbell and seconded by Commissioner Schendel to approve the minutes of the December 3, 2018, regular meeting as presented. Motion carried (5-0).

3. PUBLIC HEARINGS

A. IUP for Existing Feedlot – 15780 Acorn Trail – McDonough Farms.

The Applicant, Troy Zabinski, on behalf of McDonough Farms has operated a beef cattle feedlot at 15780 Acorn Trail since 1998. The feedlot is located directly south of the Met-Con Companies Headquarters. The City's Comprehensive Plan guides the area for industrial use and the City has zoned the property I-1, Light Industrial. The feedlot does not fit within the City's UDO as an approved land use. The Applicant is asking that the City grant an Interim Use Permit (IUP) to allow continued use of the feedlot with conditions. City Planner Wanberg stated that Met-Con Companies' master plan for the area shows that the existing feedlot will be converted to an industrial site in the future. The development and annexation agreement approved by the City earlier this year required that McDonough Farms cease operation of the feedlot or obtain an Interim Use Permit for continued use of the feedlot for a specified period. McDonough Farms is requesting that the City approve an Interim Use Permit so that Met-Con Companies can continue to provide its employees with beef and so that the company can continue to provide beef to local charities and fundraising events.

Staff recommends approval of the proposed Resolutions 2019-08 with conditions.

City Planner Wanberg presented the Commission with the Applicant's requests and a PowerPoint presentation showing the proposed conditions for approval of the Interim Use Permit:

1. *The interim use shall be confined to the general area identified by the Applicant in Exhibit A of this resolution. The interim use shall not occur outside the boundaries of this area, as determined by the City, except upon approval of a new or amended interim use permit from the City.*
2. *The Applicant shall obtain and keep current all necessary permits, registrations, and approvals from all pertinent jurisdictions including, but not limited to, the Minnesota*

Pollution Control Agency and Rice County Environmental Services. The Applicant, throughout the term of the interim use permit, shall provide the City Planner with up-to-date documentation showing the feedlot is in compliance with all pertinent regulations.

3. Other than slaughter steers and stock cows, this interim use permit shall not allow animals on the subject property that are not in conformance with the City's Unified Development Ordinance.

4. There shall be no increase in the registered number of animals and onsite animals identified in the feedlot inspection report conducted by Rice County Environmental Services on December 10, 2018 (Registration Number: 131-93342). In no case, shall the number of animal units associated with the interim use exceed 49.

5. This interim use permit will terminate when one or more of the following events occur, but in no case shall the interim use permit extend beyond December 31, 2028, except upon approval of a new or amended interim use permit from the City:

- A. The feedlot use is discontinued for a period of more than one year;*
- B. The subject property is redeveloped for another use; or*
- C. The annexed area of the City in which the feedlot is located (as described in the above recitals) becomes contiguous with the remainder of the City of Faribault to the south.*

Commissioner White expressed a concern that condition 5C could hinder further annexations and expressed a desire to eliminate condition 5C. Condition 5C states that the feedlot would have to cease operation if the feedlot becomes contiguous with the remainder of the City of Faribault to the south. City Planner Wanberg responded by stating that the intent of Condition 5C is to recognize that the feedlot is currently an acceptable use given that it is surrounded by agricultural uses and that the annexed area is an island that is not contiguous to the remainder of the city. If or when the entire area to the south is annexed into the City, then it would be appropriate to terminate the feedlot use. Commissioner White continued to express a concern that Condition 5C could potentially deter future annexation requests in this area. City Planner Wanberg stated that it was not the intent of Condition 5C to deter future annexation requests.

Chairman Ackman asked if any of the cattle were dairy cattle. Wanberg stated that they were beef cattle. Chairman Ackman wanted to make sure that Condition 4 did not limit the number of cattle to fewer cattle than what is allowed by the current feedlot permit. Ackman also stated he feels Condition 5C should be eliminated because he did not want the feedlot to terminate if the feedlot were to become contiguous with the remainder of the City to the south.

Commissioner Albers stated that he felt the feedlot should be terminated in less than ten years. He said that other Interim Use Permits in the City have been for short periods of roughly one or two years – not ten years. Wanberg agreed, but stated that the feedlot is a unique situation, which the the City has not dealt with before. Wanberg stated, however, that the Planning Commission could recommend that feedlot be terminated in less than ten years (for example, five years) if desired.

PUBLIC INPUT:

Applicant Troy Zabinski stated that he has been with Met Con for 24 years. He stated that Met-Con Companies would like to continue to operate the feedlot until the area of the feedlot can transition to an industrial use. He clarified that the limit of 49 animal units described in Condition 4 does not

equate to 49 cattle. The feeder cattle that they raise are roughly 0.6 animal units each. So the limit of 49 animal units actually allows the feedlot to raise more than 49 cattle.

With no further questions or public comment, the public hearing was closed and brought back to the Commission for action.

PLANNING COMMISSION DISCUSSION:

Commissioner Albers stated his concern that the existing feedlot could potentially continue for the next ten years. He stated that if the City had a dispute with the continued use of the feedlot, that ten years is a long time to have to allow the feedlot to continue. Commissioner White responded by stating that he felt comfortable with the ten-year limit because he believes the Applicant will transition that feedlot to industrial as soon as practical, which will likely be less than ten years.

Commissioner White made a motion to recommend approval of Resolution 2019-008 with the following changes:

1. Amend Condition 4 to eliminate the provision that limits the total number of animal units to 49. Instead simply allow the feedlot to have the number of animals allowed by their current permit.
2. Delete Condition 5C, which requires the feedlot to terminate if the feedlot were to become contiguous to the remainder of the city to the south.

Commissioner Campbell seconded Commissioner White's motion. The motion carried 5-0.

4. ROUTINE BUSINESS:

A. Election of Officers:

DISCUSSION: Chairperson -- Commissioner White nominated Commissioner Albers, Seconded by Mike Schendel. Motion carried (5-0). Vice-Chairman – Dave Campbell nominates Chuck Ackman, seconded by Dave Albers. Motion carried: (5-0).

B. 2019 Meeting Schedule:

DISCUSSION: Commissioner Albers moved to approval of the 2019 meeting schedule, seconded by Dave Campbell. Motion carried (5-0).

ADDITIONAL COMMENTS: update on empty seat – please let Heather or Admin know if you have any recommendations.

6. ADJOURN

A motion was made by Commissioner Campbell and seconded by Commissioner Albers to adjourn the meeting. The meeting was adjourned at 7:19 p.m. Motion carried (5/0).

Respectfully Submitted,

Kari Casper, Administrative Assistant I

MINUTES APPROVED:

Chuck Ackman, Chair