

**To:** Planning Advisory Commission  
**From:** Land Use Management  
**Meeting Date:** December 16<sup>th</sup>, 2024  
**Report date:** December 6<sup>th</sup>, 2024

**PUBLIC HEARING: IUP Request for a Commercial/Industrial Use Primarily Intended to Serve the Ag. Community**

Request for an Interim Use Permit, submitted by Titus Byler (Owner) to operate a Sawmill business on property zoned A-1 (Agricultural Protection).

**Application Information:**

Applicant: Titus Byler (Owner)

Address of Zoning Request: 38193 County 8 Blvd Goodhue MN, 55027

Parcel(s): 25.029.0300

Abbreviated Legal Description: Part of the NW ¼ of Section 29 TWP 111 Range 16 in Belle Creek Township.

Township Information: Belle Creek Township will meet on December 11<sup>th</sup>, 2024. Staff will update the PAC with any comments from the Township at the December 16<sup>th</sup> meeting.

Zoning District: A-1 Agriculture Protection

**Attachments and links:**

Application and submitted project summary

Site Map(s)

Goodhue County Zoning Ordinance (GCZO):

[zoning\\_ordinance.pdf \(goodhuecountymn.gov\)](#)

**Background:**

Titus Byler is requesting an Interim Use Permit to operate a Sawmill business on property zoned A-1 (Agriculture District).

All Tier 3 Home Businesses in the A-1 Zone Goodhue County are required to obtain an Interim Use Permit.

**Goodhue County Zoning Ordinance: Article 4 Conditional/Interim Uses**

*No CUP/IUP shall be recommended by the County Planning Commission unless said Commission specifies facts in their findings for each case which establish the proposed CUP/IUP will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, will not substantially diminish and impair property values within the immediate vicinity, will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant to the area, that adequate measures have been, or will be, taken to provide utilities, access roads, drainage, and other necessary facilities, to provide sufficient off-street parking and loading space, to 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.*

**Project Summary:****Property Information:**

- Parcel 25.029.0300 is approximately 17.2 acres.
- The property is bordered by A-1 zoned properties on all sides. Adjacent land uses include low-density residential and agricultural uses including row crop agriculture.
- Section 29 of Belle Creek Township is limited to 4 dwellings as an A-1 zoned section. There are currently 9 dwellings in section 29 therefore no additional dwelling density is available.
- The business use of the property does qualify as a Home Business because it is being conducted on a parcel with a dwelling.
- The property is located at the intersection of County 8 BLVD (asphalt surface) and County 9 Blvd (asphalt surface).

**Business Information:**

- The business (Belle Creek Timber) will operate out of an existing 50ft by 100ft pole shed.
- Deliveries can happen multiple days a week and are loaded and unloaded on site.
- The applicant is proposing to have 1 additional employee.
- Proposed hours of operation are between 8 am and 5 pm. They anticipate having 5-10 customers per day.
- No equipment creating noise, odor, or dust uncommon to the agricultural area is used at the business. Noise is generated from the sawmill. This will be reduced with a muffler on the mill and insulating the building.
- No traffic beyond that which is reasonable for the local transportation network occurs due to the business. Adequate emergency vehicle access is available to service the facility.
- The Zoning Administrator has calculated that a minimum of 1 off-street parking space is required. Ample room exists on the properties to accommodate parking needs.
- The applicant will be installing one sign that will face the intersection of County 9 Blvd and County 18 Blvd. The sign will meet the maximum area of 32 square feet as stated in Article 11 section 17 (Sign Regulations).
- No additional exterior lighting is proposed. There is currently one yard light and one exterior shed light.

**Draft Findings of Fact:**

*The following staff findings shall be amended to reflect concerns conveyed during the PAC meeting and public hearing.*

1. The business does not appear injurious to the use and enjoyment of properties in the immediate vicinity for uses already permitted, nor would it substantially diminish and impair property values in the immediate vicinity.
2. The business is not anticipated to impede the normal and orderly development and improvement of surrounding vacant property for uses predominant to the area. The use as proposed appears compatible with existing adjacent land uses.
3. A review of the Applicant's submitted project summary indicates adequate utilities, access roads, drainage, and other necessary facilities are available to accommodate the use.
4. The property has ample room to provide sufficient off-street parking and loading space to serve the proposed use and meet the Goodhue County Zoning Ordinance's parking requirements.

5. The business is not anticipated to create offensive odor, fumes, dust, noise, and vibration that would constitute a nuisance.

*Staff recommendation is based on the review of the submitted application and project area prior to the public hearing.*

**Staff Recommendation:**

LUM Staff recommends the Planning Advisory Commission

- adopt the staff report into the record;
- adopt the findings of fact;
- accept the application, testimony, exhibits, and other evidence presented into the record; and

Recommend that the County Board of Commissioners **APPROVE** the request from Titus Byler (Owner) for an IUP to establish a Tier 3 Home Business for a sawmill business.

Subject to the following conditions:

1. Activities shall be conducted according to submitted plans, specifications, and narrative unless modified by a condition of this IUP;
2. Hours of operation shall be between 8:00 AM and 5:00 PM daily;
3. On-street parking, loading, and off-loading shall be prohibited;
4. Compliance with all necessary State and Federal registrations, permits, licensing, and regulations;
5. Compliance with Goodhue County Zoning Ordinance including, but not limited to Article 21 A-1, Agricultural Protection; and
6. This IUP shall expire upon the sale of the property.

NOV 15 2024

1

GOODHUE COUNTY CONDITIONAL/INTERIM USE PERMIT APPLICATION

Parcel # 25.029.0300

Permit# E24-0054

PROPERTY OWNER INFORMATION

Last Name Byler First Titus Email \_\_\_\_\_  
 Street Address 38193 Cty 8 BWD Phone \_\_\_\_\_  
 City Goodhue State MN Zip 55027 Attach Legal Description as Exhibit "A"   
 Authorized Agent \_\_\_\_\_ Phone \_\_\_\_\_  
 Mailing Address of Landowner: \_\_\_\_\_  
 Mailing Address of Agent: \_\_\_\_\_

PROJECT INFORMATION

Site Address (if different than above): \_\_\_\_\_  
 Lot Size 17 ac Structure Dimensions (if applicable) 50' x 100'  
 What is the conditional/interim use permit request for? saw mill  
 Written justification for request including discussion of how any potential conflicts with existing nearby land uses will be minimized  
this is a small part time sawmill set up

DISCLAIMER AND PROPERTY OWNER SIGNATURE

I hereby ~~swear~~ affirm that the information supplied to Goodhue County Land Use Management Department is accurate and true. I acknowledge that this application is rendered invalid and void should the County determine that information supplied by me, the applicant in applying for this variance is inaccurate or untrue. I hereby give authorization for the above mentioned agent to represent me and my property in the above mentioned matter.

Signature of Landowner: [Signature] Date 11-13-24  
 Signature of Agent Authorized by Agent: \_\_\_\_\_

TOWNSHIP INFORMATION

Township Zoning Permit Attached?  If no please have township complete below:  
 By signing this form, the Township acknowledges being made aware of the request stated above. In no way does signing this application indicate the Township's official approval or denial of the request.

Signature \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

Comments: \_\_\_\_\_

COUNTY SECTION

COUNTY FEE \$400 RECEIPT # 18560 DATE PAID 11-15-2024  
 Applicant requests a CUP/IUP pursuant to Article \_\_\_\_\_ Section \_\_\_\_\_ Subdivision \_\_\_\_\_ of the Goodhue County Zoning Ordinance  
 What is the formal wording of the request? \_\_\_\_\_

Shoreland \_\_\_\_\_ Lake/Stream Name \_\_\_\_\_ Zoning District \_\_\_\_\_  
 Date Received \_\_\_\_\_ Date of Public Hearing \_\_\_\_\_ DNR Notice \_\_\_\_\_ City Notice \_\_\_\_\_

Action Taken:  Approve  Deny Conditions: \_\_\_\_\_

RECEIVED

NOV 15 2024





## GOODHUE COUNTY CONDITIONAL/INTERIM USE PERMIT APPLICATION

**PROJECT SUMMARY**

Please provide answers to the following questions in the spaces below. If additional space is needed, you may provide an attached document.

1. Description of purpose and planned scope of operations (including retail/wholesale activities).

The purpose would be to provide custom milling  
as well as milling for lumber sales

2. Planned use of existing buildings and proposed new structures associated with the proposal.

existing 50x100 used to house mill + finished  
product

3. Proposed number of non-resident employees.

one

4. Proposed hours of operation (time of day, days of the week, time of year) including special events not within the normal operating schedule.

between 8 AM + 5 PM several days a week  
year round

5. Planned maximum capacity/occupancy.

N/A

6. Traffic generation and congestion, loading and unloading areas, and site access.

expect 5-10 customers per day  
parking area + load + unload area - see map

7. Off-street parking provisions (number of spaces, location, and surface materials).

N/A

8. Proposed solid waste disposal provisions.

N/A

9. Proposed sanitary sewage disposal systems, potable water systems, and utility services.

N/A

10. Existing and proposed exterior lighting.

1 yard light

1 exterior light on shed

11. Existing and proposed exterior signage.

1 sign at corner of property

12. Existing and proposed exterior storage.

See Map - area behind shed

13. Proposed safety and security measures.

mill operator by owner only

signs posted for employees only in saw mill area

14. Adequacy of accessibility for emergency services to the site.

good county roads to drive way - saw mill

structure just off drive

15. Potential for generation of noise, odor, or dust and proposed mitigation measures.

noise will be reduced by proper muffling device on engine & insulated enclosure

16. Anticipated landscaping, grading, excavation, filling, and vegetation removal activities.

grade & gravel per map

17. Existing and proposed surface-water drainage provisions.

good slope & drainage to the west of property

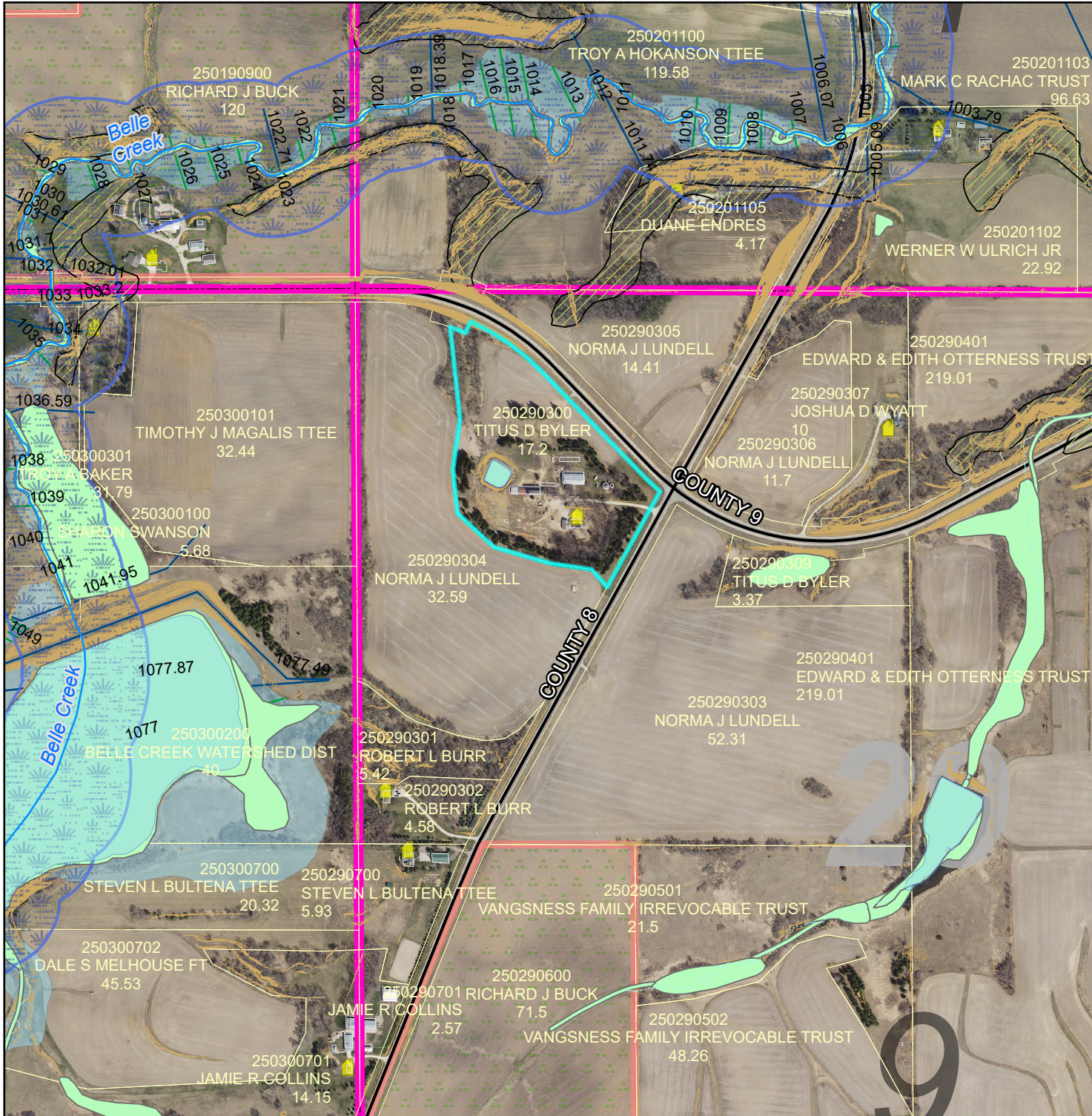
18. Description of food and liquor preparation, serving, and handling provisions.

N/A

19. Provide any other such information you feel is essential to the review of your proposal.



# MAP 02: VICINITY MAP



## PLANNING COMMISSION

Public Hearing  
December 16, 2024

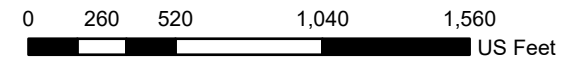
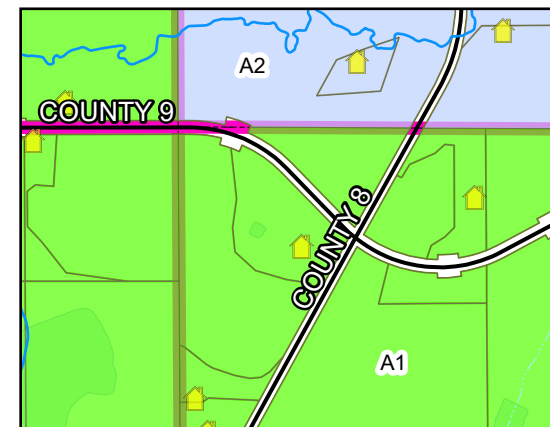
Titus Byler (Owner)  
A-1 Zoned District.

The NW 1/4 of Section 29 TWP 111  
Range 16 in Belle Creek Township.

Request for IUP for a Sawmill  
as a Tier 3 Home Business.

### Legend

	Intermittent Streams		Bluff Impact Zones (% slope)
	Protected Streams		30
	Lakes & Other Water Bodies		
	Shoreland		
	Historic Districts		
	Parcels		
	Registered Feedlots		
	Dwellings		
	Municipalities		
			FEMA Flood Zones
			2% Annual Chance
			A
			AE
			AO
			X



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2024 Aerial Imagery  
Map Created November, 2024 by LUM





# PUBLIC NOTICE: NEIGHBORHOOD MAILING MAP

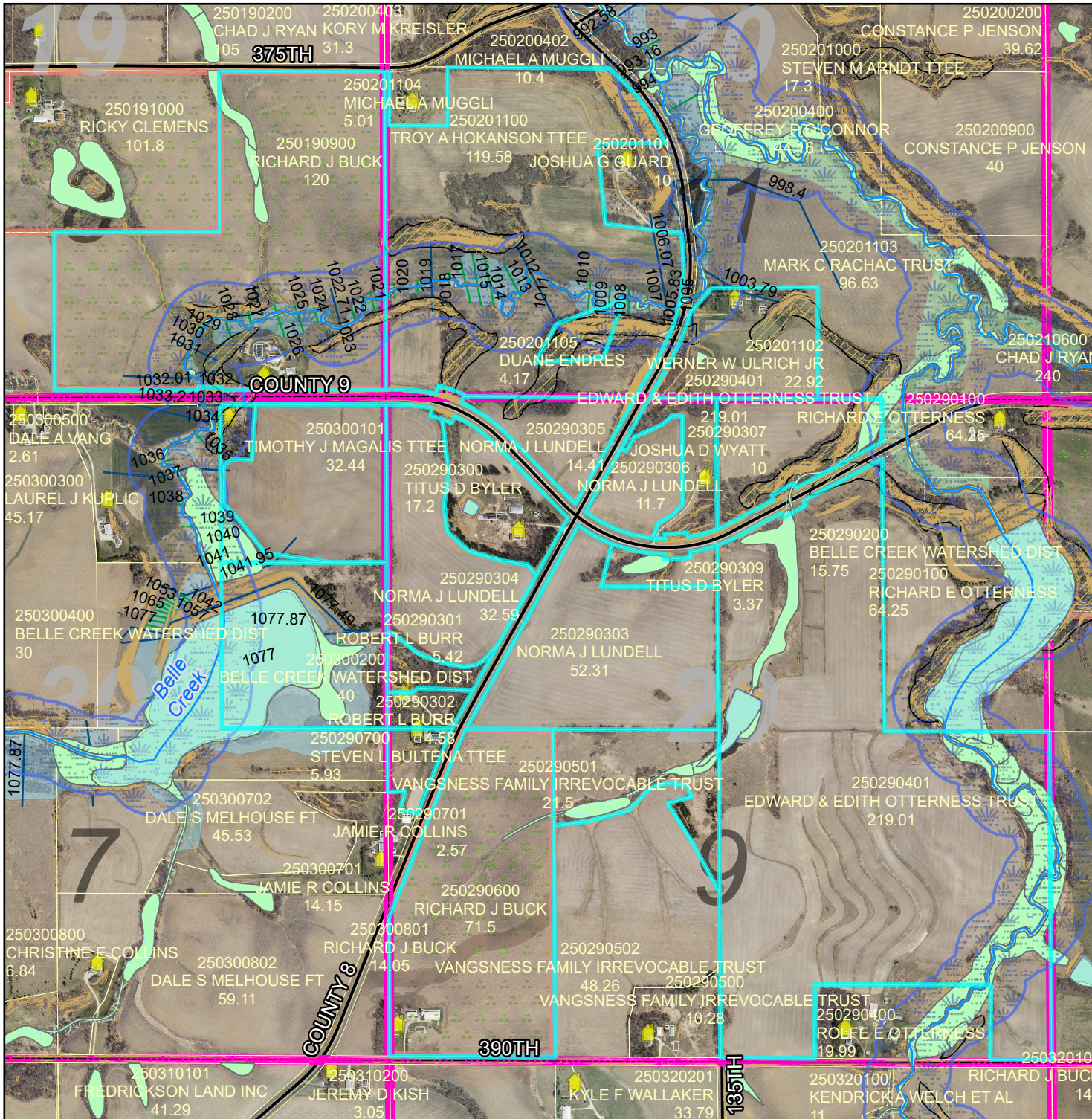
## PLANNING COMMISSION

Public Hearing  
December 16, 2024

Titus Byler (Owner)  
A-1 Zoned District.

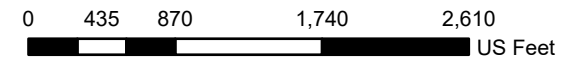
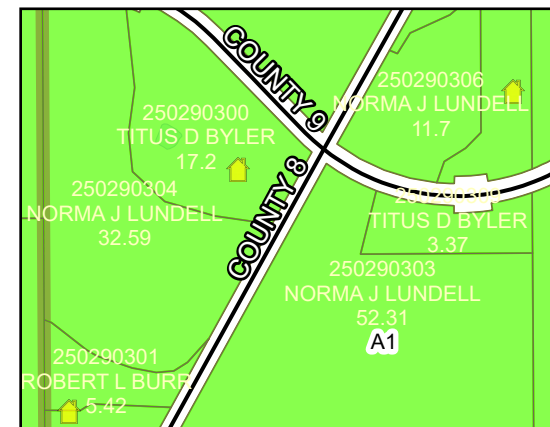
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### Legend

- |  |                            |  |                              |
|--|----------------------------|--|------------------------------|
|  | Intermittent Streams       |  | Bluff Impact Zones (% slope) |
|  | Protected Streams          |  | 30                           |
|  | Lakes & Other Water Bodies |  | 2% Annual Chance             |
|  | Shoreland                  |  | A                            |
|  | Historic Districts         |  | AE                           |
|  | Parcels                    |  | AO                           |
|  | Registered Feedlots        |  | X                            |
|  | Dwellings                  |  |                              |
|  | Municipalities             |  |                              |



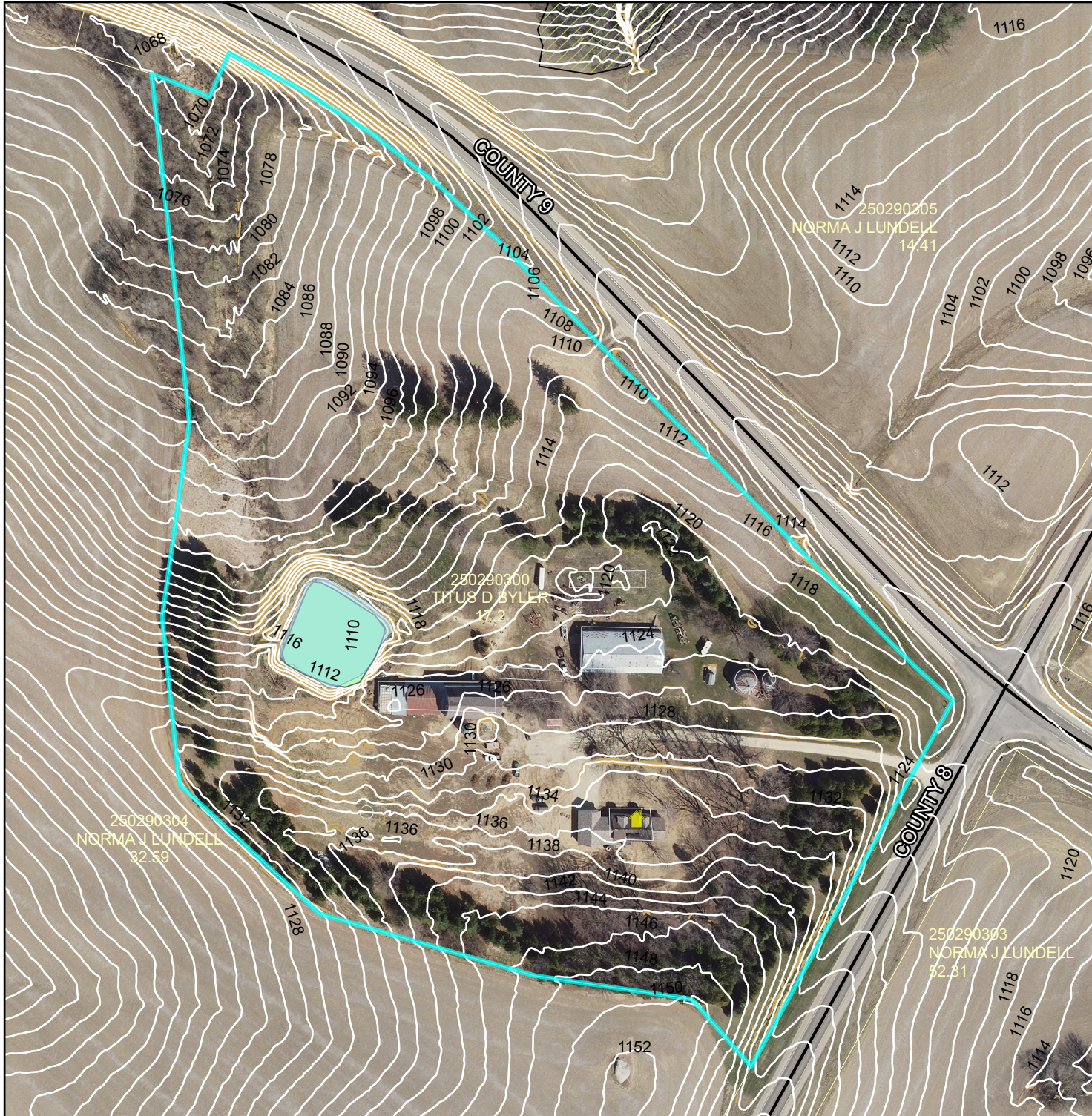
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# MAP 03: ELEVATIONS



## PLANNING COMMISSION

Public Hearing  
December 16, 2024

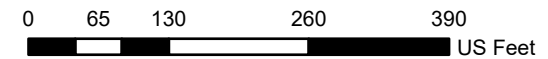
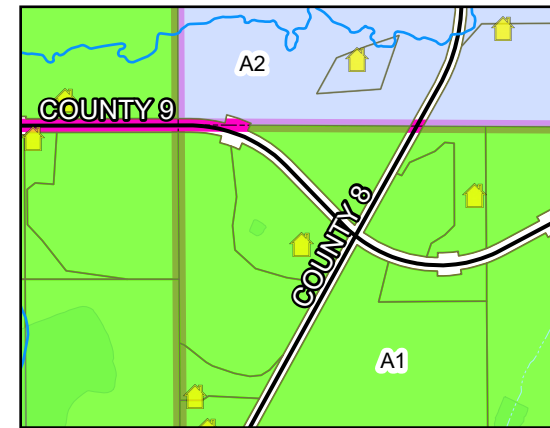
Titus Byler (Owner)  
A-1 Zoned District.

The NW 1/4 of Section 29 TWP 111  
Range 16 in Belle Creek Township.

Request for IUP for a Sawmill  
as a Tier 3 Home Business.

### Legend

Intermittent Streams	Bluff Impact Zones (% slope) 20
Protected Streams	Bluff Impact Zones (% slope) 30
Lakes & Other Water Bodies	<b>FEMA Flood Zones</b>
Shoreland	2% Annual Chance
Historic Districts	A
Parcels	AE
Registered Feedlots	AO
Dwellings	X
Municipalities	



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# MAP 01: PROPERTY OVERVIEW



## PLANNING COMMISSION

Public Hearing  
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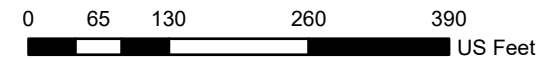
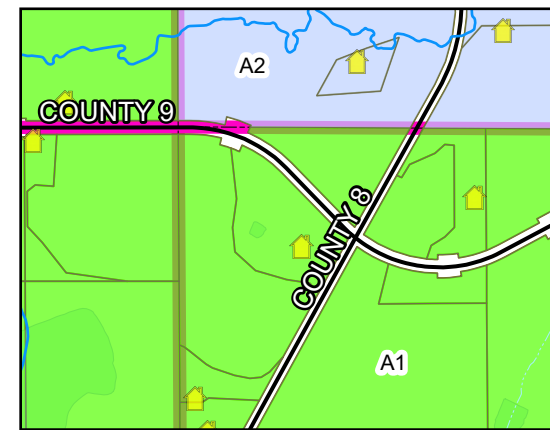
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### Legend

	Intermittent Streams		Bluff Impact Zones (% slope)
	Protected Streams		20
	Lakes & Other Water Bodies		30
	Shoreland		FEMA Flood Zones
	Historic Districts		2% Annual Chance
	Parcels		A
	Registered Feedlots		AE
	Dwellings		AO
	Municipalities		X



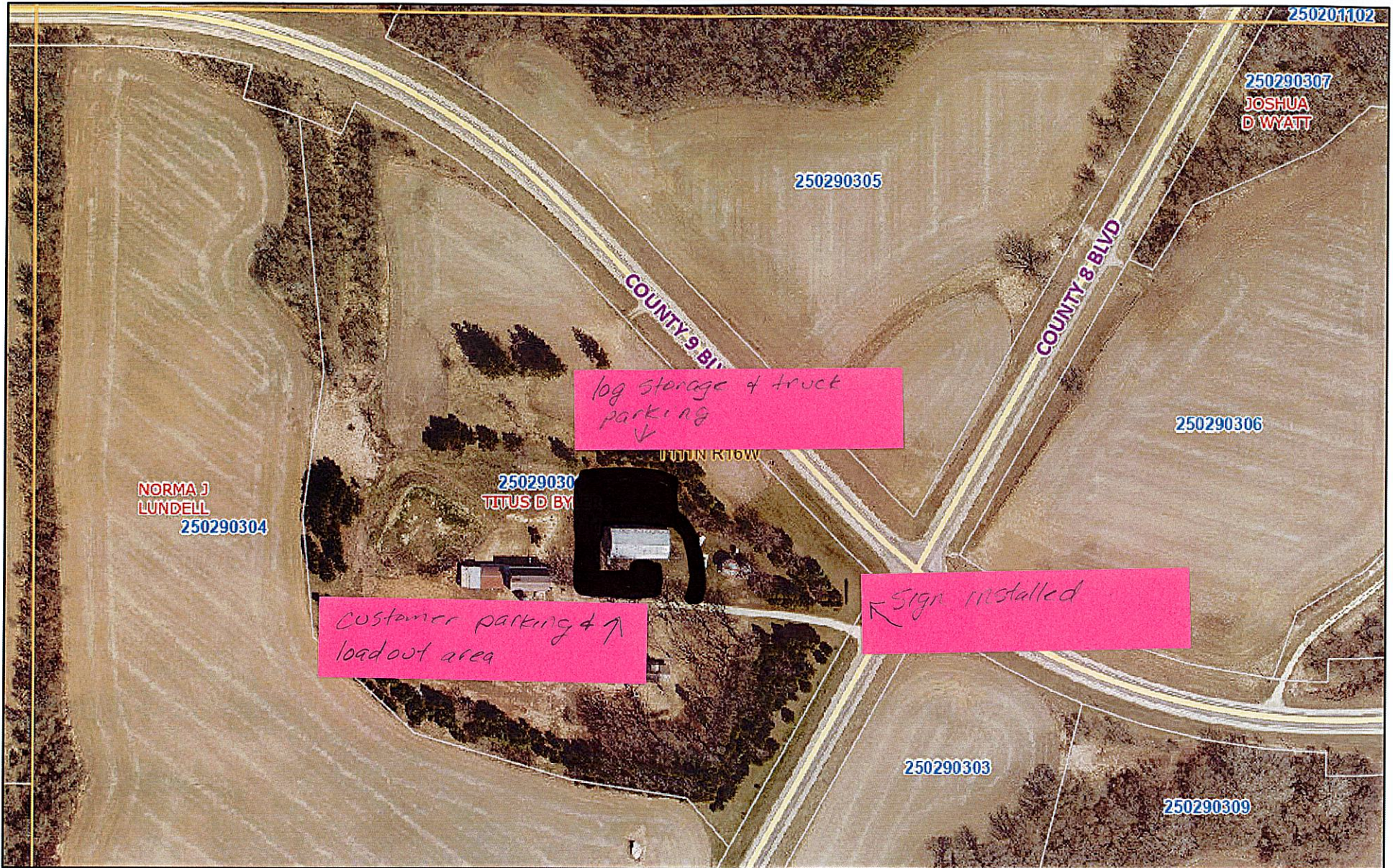
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







# ArcGIS Web Map

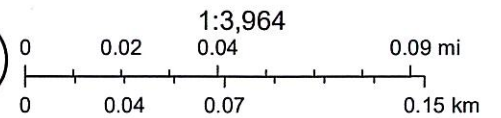


11/15/2024, 10:12:30 AM

-  GoodhueCo\_PLSS
-  Municipal Boundary
-  Goodhue County Roads
-  CSAHP; CRP

House Number  
PIN

Full Name  
 Parcels





32 sq. ft. total  
38 sq ft of sign

