

MINUTES - PLANNING COMMISSION/BOARD OF ADJUSTMENT MEETING

TUESDAY, APRIL 13, 2010, 7:00 P.M., COMMISSIONER'S ROOMS, LYON COUNTY GOVERNMENT CENTER, MARSHALL, MINNESOTA

MEMBERS PRESENT: Nassif, Buesing, Thooft, Vroman, Ludeman, Ritter, Nelson, Zimmer and Biren

PLEDGE OF ALLEGIANCE TO THE FLAG

AMEND/APPROVE AGENDA – Vroman moved, seconded by Nassif to approve agenda. All voted in favor. Motion carried.

CORRECT/APPROVE MINUTES OF THE MARCH 11, 2010 MEETING - Motion by Buesing, seconded by Thooft to approve the minutes as written. All voted in favor. Motion carried.

BOARD OF ADJUSTMENT:

Public Hearing – Variance for Jonathan Olson to construct a grain bin seventy-eight (78) feet from the road right-of-way of CSAH 9. This is a twenty-two (22) foot variance request. The area representing the request is zoned agricultural. The property is described as all that part of the Southeast Quarter of the Southwest Quarter (SE1/4 SW1/4), of Section 33, Lucas Township. Mr. and Mrs. Olson were present. Biren reviewed staff report. Photos show area of existing bins, one closer to road than this will be constructed. Olson – one bin closer to road, cluster bins, overhead auger will be used for setup, existing bin got a variance, proposed bin will be 25' further from right-of-way than existing bin that had a variance. Vroman – move bin west? Olson – other bins in the way, block access to other bins. Will be in the center of the L shape of bins there. Vroman – other bin distance? Olson – 100' from center of road, this one to be approximately 128'. Nassif – where stakes are? Olson – yes. Cannot go to the west, existing driveway and another building there. Biren – on aerial photo can see parcel lines, building site has been split from acreage. Olson – I own building site, dad owns acreage. Nelson – drying? Olson – dry transfer to this bin. Will be corn bin. Vroman – if granted and needs to be moved, done at your own expense. Olson – understand that. Ludeman – township comment? Oakland – spoke with Don Bot this morning. Township no problem, meet with Mr. Olson at their annual township meeting. Will be sending in form this week. Have comment form signed by County Engineer, agreed with request, no comment. Board reviewed Findings of Fact, attached.

Nassif moved, seconded by Vroman to grant a variance to Jonathan Olson to construct a grain bin seventy-eight (78) feet from the road right-of-way of CSAH 9. This is a twenty-two (22) foot variance request. The area representing the request is zoned agricultural. The property is described as all that part of the Southeast Quarter of the Southwest Quarter (SE1/4 SW1/4), of Section 33, Lucas Township. With the following stipulations:

1. That if any of the work performed as allowed by the granting of this variance is ever impacted or required to be removed, the cost of such impact shall be borne by the landowner, including removal and/or relocation of property and facilities.
2. Must obtain a building permit prior to construction.
3. The purpose of which the variance was granted shall be undertaken by the applicant within 18 months of the granting of the variance. For good cause, the Zoning Administrator may grant an administrative extension of up to 12 months. Said extension shall be in writing. If the applicant fails to establish use of the variance within said time limits, the variance shall expire.
4. Adopt Findings of Fact as part of Motion.
5. A copy of this Motion shall be filed with the County Recorder's Office along with the legal description of the property. Additional fees to be paid by the applicant for the actual costs incurred by the county for the recording fees.

VOTING FOR: Nassif, Thooft, Vroman, Buesing, Ludeman

OPPOSED: None

ABSTAINED: None

ABSENT: None

Motion carried.

PLANNING COMMISSION:

Public Hearing – Conditional Use Permit for John and Mary Kerr, gravel pit (extract, mine and process gravel). The property is zoned agricultural and described as the West Half (W1/2) of Section Twenty-eight (28), Island Lake Township. John Kerr was present. Biren – reviewed staff report. Can see E911 road signage in photo. Haul roads County Road 4 or 85 (gravel). Not sure road to be used for access. Not big issue. Received letter from Soil and Water Conservation. Soil map, J35C2 or Arivilla soil where gravel is. Kerr – small strip, push back topsoil, remove gravel, replace topsoil. One year project. Buesing – kind of gravel? Kerr – class 5. Board reviewed Findings of Fact, attached is a copy.

Vroman moved, seconded by Buesing to recommend to the Lyon County Board of Commissioners to grant a Conditional Use Permit to John and Mary Kerr for a gravel pit (extract, mine and process). The area representing the request is zoned agricultural. The land is described as the West Half of the Northwest Quarter (W1/2 NW1/4), Section 28 of Island Lake Township. With the following stipulations:

1. Conditional Use Permit will be reviewed annually.
2. Conditional Use Permit is granted for 40 acres or the life of the operation whichever is less.
3. Top soil will be stockpiled and used for reclaiming and leveling.
4. Reclaiming and leveling of land is to be done as work progresses.
5. Grade site after extraction is completed so as to render it usable, seeding required avoiding erosion and an unsightly mar of the landscape.
6. Must maintain a backslope of 4:1 or flatter.
7. Responsible for maintenance on roads trucks will be hauling on.
8. Responsible for dust control on haul roads.

9. Haul roads designated as: CSAH 4 and/or County Road 85 to various locations.
10. Owner must notify the Lyon County Zoning Office when work is complete.
11. Must obtain permits from appropriate agencies.
12. Must comply with Soil and Water and DNR regulations.
13. Adopt Findings of Fact as part of this motion.
14. A copy of the Lyon County Board of Commissioner's Motion shall be filed with the County Recorder's Office along with the legal description of the property. Additional fees to be paid by the applicant for the actual costs incurred by the county for the recording fees.

VOTING FOR: Nassif, Thooft, Vroman, Buesing, Ludeman

OPPOSED: None

ABSTAINED: None

ABSENT: None

Motion carried.

CONDITIONAL USE PERMIT/PUBLIC HEARING – MINNESOTA SESSION LAW 2000 – MINN. STAT. §116.07, SUBD. 7(I), FEEDLOT:

Eugene Bossuyt, 3168 240th Avenue, Marshall, Minnesota
 The West Half of the Northwest Quarter (W1/2 NW1/4), Section 17, Fairview Township
Existing Facility Consists of:

Beef Cattle, Slaughter (750 x 1.0 animal factor) = 750 Animal Units

Types of Buildings:

- 38'x104' Partial Confinement Barn, manure pack on lot or floor
- 120'x180' Total Confinement/Open Front Barn, manure pack on lot or floor
- 72'x96' Partial Confinement Barn/Lean, manure pack on lot or floor
- 64'x 98' Partial Confinement Barn, manure pack on lot or floor

The Proposed Facility Consist of:

Beef Cattle, Slaughter (750 x 1.0 animal factor) = 750 Animal Units

(new) Beef Cattle, Slaughter (225 x 1.0 animal factor) = 225 Animal Units

Types of Buildings:

- 38'x104' ~~Partial~~ **Total** Confinement Barn, manure pack on lot or floor
- 120'x180' Total Confinement/Open Front Barn, manure pack on lot or floor
- 72'x96' ~~Partial~~ **Total** Confinement Barn/Lean, manure pack on lot or floor
- (new) 40'x 72'** (approximate dimensions) **barn addition** to 72'x96' ~~Partial~~ Total Confinement Barn, manure pack on lot or floor (listed above)
- (eliminate) 64'x 98' Partial Confinement Barn**, manure pack on lot or floor
- (new) 136'x154'** (approximate dimensions) **Total Confinement Barn (half of building will be used for feed storage), manure pack on lot or floor**

Manure to be applied agronomically to crop ground when necessary.

Open lots to be cleaned weekly/utilize a stockpile.

The Total Animal Unit Capacity = 975 Animal Units

Eugene Bossuyt was present. Biren – refresher, been a while since did a feedlot permit. Public notice fulfills requirement 7020 rules and CUP process. Site work in progress, few years ago did monoslope barn. Photos 2007, changes since then. Staff report photos reviewed. One building taken down and replaced (bottom right) another building being added onto. Capacity to

975 animal units. Bossuyt - cattle won't be as crowded, not create as much manure. Thooft – location on photos? Biren – showed buildings on map. Ludeman – township comments? Oakland- returned comment form, agreed with request. Board reviewed Findings of Fact, attached is a copy.

Ludeman moved, seconded by Buesing to recommend to the Lyon County Board of Commissioners to grant a Conditional Use Permit to Eugene Bossuyt for a feedlot expansion. The land is zoned agricultural and is described as the West Half of the Northwest Quarter (W1/2NW1/4), Section 17, Fairview Township.

Existing Facility Consists of:

Beef Cattle, Slaughter (750 x 1.0 animal factor) = 750 Animal Units

Types of Buildings:

- 38'x104' Partial Confinement Barn, manure pack on lot or floor
- 120'x180' Total Confinement/Open Front Barn, manure pack on lot or floor
- 72'x96' Partial Confinement Barn/Lean, manure pack on lot or floor
- 64'x 98' Partial Confinement Barn, manure pack on lot or floor

The Proposed Facility Consist of:

Beef Cattle, Slaughter (750 x 1.0 animal factor) = 750 Animal Units

(new) Beef Cattle, Slaughter (225 x 1.0 animal factor) = 225 Animal Units

Types of Buildings:

- 38'x104' ~~Partial~~ **Total** Confinement Barn, manure pack on lot or floor
- 120'x180' Total Confinement/Open Front Barn, manure pack on lot or floor
- 72'x96' ~~Partial~~ **Total** Confinement Barn/Lean, manure pack on lot or floor
- (new) 40'x 72'** (approximate dimensions) **barn addition** to 72'x96' ~~Partial~~ Total Confinement Barn, manure pack on lot or floor (listed above)
- (eliminate) 64'x 98' Partial Confinement Barn**, manure pack on lot or floor
- (new) 136'x154'** (approximate dimensions) **Total Confinement Barn (half of building will be used for feed storage), manure pack on lot or floor**

Manure to be applied agronomically to crop ground when necessary.

Open lots to be cleaned weekly/utilize a stockpile.

The Total Animal Unit Capacity = 975 Animal Units

With the following stipulations:

1. That the applicant undertakes the project according to the plans and specifications submitted to the county with the application.
2. That the permit is invalid if the holder has not started construction on the feedlot within a year of the issued land use permit. (A land use permit is valid for one year, and can be renewed administratively for a second consecutive year.)
3. That the county may enter onto the premises at reasonable times and in a reasonable manner to insure the permit holder is in compliance with the conditions and other applicable statues, rules, and ordinances.
4. Manure in a slurry or liquid form that is being applied in accordance to the manure management plan on file with the MPCA shall be injected or spread and incorporated within 24 hours of spreading except for approved emergency spreading.
5. Manure being hauled on public roads must adhere to policies of the particular road authority involved.

6. The applicant shall obtain all appropriate licenses and permits relevant to the request. Agency involved could be the DNR, MPCA, Board of Animal Health, MDA, MDH, etc.
7. Dead animals shall be disposed of in accordance with the Board of Animal Health Regulations. (Structures used for storing dead animals prior to rendering or structures used for composting shall meet appropriate county and state regulations.)
8. The offset model must indicate 94% annoyance odor free. Any odor control technologies used in the offset model must be in place and maintained.
9. The feedlot shall meet the minimum standards side, rear, and road right of way setbacks, other setbacks, and lot size. Any trees to be planted shall be at least 60 feet from the road right of way.
10. Violations of these conditions or other regulations found in the Lyon County Zoning Ordinance are grounds for enforcement proceedings.
11. Adopt Findings of Fact as part of Motion.
12. A copy of the County Board of Commissioner's Motion shall be filed with the County Recorder's Office along with the legal description of the property. Additional fees to be paid by the applicant for the actual costs incurred by the county for the recording fees.

Discussion: Ludeman – distance for 94% odor offset? Biren – 718' requirement, will be ½ mile or better.

VOTING FOR: Buesing, Vroman, Ludeman, Nassif, Thooft

OPPOSED: None

ABSTAINED: None

ABSENT: None

Motion carried.

RENEWAL - CONDITIONAL USE PERMITS – APRIL:

Biren – will need motion for both CUPs.

Dulas Construction (Business – Industrial Sales and Service of Equipment – Piorier Equipment) – Kane Transportation, SW1/4, Section 6, Lake Marshall Township. Issued: April 2001, 3 years, renewable. Recorded. Biren – Kane Transportation operating out of building instead of Piorier Equipment. Discussed use, in line with permit granted. Have not received any phone calls. Motion by Buesing, seconded by Thooft to renew for three years. All voted in favor. Motion carried.

Layle French, Business (Animal Boarding, Grooming and Training), NE1/4NE1/4, Section 28, Lake Marshall Township. Issued: April 1998 (3 years). Not recorded. Biren – Have not received any phone calls. Motion by Vroman, seconded by Nassif to renew for 3 years. All voted in favor. Motion carried.

DISCUSSION:

Update on Wind Development and Land Use Meeting – April 26th (Redwood Falls, MN). Biren – wind rights, state and counties responsibilities. Information that Board will want to hear. Call if want to ride with. Will receive per diem and mileage. (Buesing, Nassif, Thooft – Vroman and Ludeman will depend on crop planting).

Revision to Comprehensive Plan, Section VI, Transportation – Trails. Biren – incorporate into comp plan. Oakland – will be presented to County Board at Tuesday’s meeting. Ritter – federal/state dollars? Biren – not sure. Clean Water Legacy.

Motion by Buesing, seconded by Thooft to adjourn.

Next meeting to be held on Tuesday, May 11th.

Respectfully submitted,

Sander Ludeman, Chairman
Planning and Zoning/Board of Adjustments

Carol Oakland, Secretary
Planning and Zoning/Board of Adjustments