

# MINUTES - PLANNING COMMISSION/BOARD OF ADJUSTMENT MEETING

**MONDAY, MARCH 12, 2012, 7:00 P.M., COMMISSIONER ROOMS, LYON COUNTY GOVERNMENT CENTER, MARSHALL, MINNESOTA**

**MEMBERS PRESENT:** Nassif, Thooft, Ludeman, Steen, Chalmers, Ritter, Anderson, Zimmer and Hammer

## **PLEDGE OF ALLEGIANCE TO THE FLAG**

## **INTRODUCTION OF BOARD MEMBERS**

**AMEND/APPROVE AGENDA** - Motion by Thooft, seconded by Ludeman to approve agenda. All voted in favor. Motion carried.

**CORRECT/APPROVE MINUTES FROM THE FEBRUARY 14, 2012 MEETING** - Motion by Ludeman, seconded by Chalmers to approve minutes as typed. All voted in favor. Motion carried.

**ADDRESS CONFLICT OF INTEREST:** None

## **BOARD OF ADJUSTMENT:**

Public Hearing for Mark VanDeputte for a road right-of-way variance request to construct two house additions (one on the east and one on the west side of the existing house). The additions will be constructed fifty (50) feet from the road right-of-way line of State Highway 19. This is a fifty (50) foot variance request. The area representing the request is zoned agricultural. The affected property is described as the Northeast Quarter (NE1/4) of Section Three (3), Clifton Township. *Board Action – motion.* Mark VanDeputte was present. Hammer – no closer to the road. Nassif – public comment? None. Township Comment? Oakland – they have no comment, stated that since it is on a state road they would not be sending in comment form. Nassif read letter from MNDOT. Attached to these minutes is a copy of their letter. Board reviewed Findings of Fact. Attached to these minutes is a copy of the Findings of Fact.

      Ludeman       moved, seconded by       Thooft       to grant a variance to Mark VanDeputte to construct two house additions (one on the east and one on the west side of the existing house). The additions will be constructed fifty (50) feet from the road right-of-way line of State Highway 19. This is a fifty (50) foot variance request. The area representing the request is zoned agricultural. The affected property is described as the Northeast Quarter (NE1/4) of Section Three (3), Clifton 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. Applicant 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 this 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: Ludeman, Thooft, Nassif, Chalmers, Steen

OPPOSED: None

ABSTAINED: None

ABSENT: None

Motion carried.

### **PLANNING COMMISSION:**

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

ABL Custom Finishers, Finishing, c/o Bernard DeCock, 3364 State Highway 68, Ghent, Minnesota for a Conditional Use Permit request for a new feedlot and to hear public comment to fulfill Minnesota Session Law 2000 – Minn. Stat. § 116.07, subd 7 (I), to construct or expand a feedlot with a capacity of 300 animal units or more. Odor OFFSET setback requirement is 94%. Minimum setback for a new feedlot is 1320'. The land is zoned agricultural and described as part of the South Half of the Northwest fractional Quarter (S1/2 NW fr 1/4), Section Seven (7), Grandview Township. More than 10 acres will be acquired from this tract of land (parcel number 07-007008-0).

The Proposed Facility to Consist of:

**(new) Finishing Hogs (2400 x .3 animal factor) = 720 Animal Units**

Type of Building:

**(new) Approximately 101'x192' Finishing Confinement Barn with 8' deep below the barn concrete manure pit**

Manure to be applied agronomically up to two times a year.

The Total Animal Unit Capacity = 720 Animal Units

*Board Action – motion/recommendation to County Board.* Bernie DeCock was present representing ABL Custom Finishing. Zimmer – Mr. DeCock or Todd Hammer should explain request. Hammer – I will let Bernie explain. Bernie DeCock – custom feedlot, business to feed pigs in custom manner, providing service, another means of income. Only barn on site. Ludeman – owner? DeCock – purchasing ground, not currently owned. Thooft – setbacks met? Hammer – ½ mile with this location, proposed on another site, neighbor conflict, relocated barn. Ludeman – future barns? DeCock – not at this time. Nassif – township comment? Oakland – approved of request, signed comment form. Nassif – audience comments? None. Board reviewed Findings of Fact. Attached is a copy.

Chalmers moved, seconded by Nassif to recommend to the Lyon County Board of Commissioners to grant a Conditional Use Permit to ABL Custom Finishing, c/o Bernard DeCock, 3364 State Highway 68, Ghent, Minnesota for a new feedlot and to hear

public comment to fulfill Minnesota Session Law 2000 – Minn. Stat. § 116.07, subd 7 (1), to construct or expand a feedlot with a capacity of 300 animal units or more. Odor OFFSET setback requirement is 94%. Minimum setback for a new feedlot is 1320'. The land is zoned agricultural and described as part of the South Half of the Northwest fractional Quarter (S1/2 NW fr 1/4), Section 7 of Grandview Township.

The Proposed Facility to Consist of:

**(new) Finishing Hogs (2400 x .3 animal factor) = 720 Animal Units**

Type of Building:

**(new) Approximately 101'x192' Finishing Confinement Barn with 8' deep below the barn concrete manure pit**

Manure to be applied agronomically up to two times a year.

The Total Animal Unit Capacity = 720 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 statutes, 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. Agencies 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. Minimum setback to be 1320'.
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. Minimum lot size for a new animal feedlot is 10 acres.
12. Must apply for and sign property with an E-911 address.
13. Adopt Findings of Fact as part of Motion.
14. A copy of the County Board'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: Chalmers, Nassif, Thooft, Ludeman, Steen

OPPOSED: None

ABSTAINED: None

ABSENT: None

Motion Carried.

MC Laleman Hog Farms, c/o Mark Laleman, 2628 County Road 10, Cottonwood, Minnesota, for a Conditional Use Permit request for a feedlot expansion and to hear public comment to fulfill Minnesota Session Law 2000 – Minn. Stat. § 116.07, subd 7 (l), to construct or expand a feedlot with a capacity of 300 animal units or more. Odor OFFSET setback requirement is 94%. The land is zoned agricultural and described as the South Half of the Southwest Quarter (S1/2SW1/4) of Section 2, Vallers Township. This parcel is being purchased on a Contract for Deed from George and Rita Laleman.

Existing Facility Consists of:

Finishing Hogs (1600 x .3 animal factor) = 480 Animal Units

Type of Buildings:

Two 41'x172' Total Confinement Barns with Two 41'x172'x8' Poured Concrete Pits

Proposed Facility to Consist of:

Finishing Hogs (1600 x .3 animal factor) = 480 Animal Units

**(new) Finishing Hogs (800 x .3 animal factor) = 240 Animal Units**

Type of Buildings:

Two 41'x172' Total Confinement Barns with Two 41'x172'x8' Poured Concrete Pits

**(new) 41'x172' Total Confinement Barn with a 41'x172'x8' Poured Concrete Pit**

Manure to be applied agronomically up to two times a year.

The Total Animal Unit Capacity = 720 Animal Units

*Board Action – motion/recommendation to County Board.* Mark Laleman was present.

Laleman – adding one more barn to accommodate space for person I am raising them for.

Nassif – no comments from first time you built or now. Ludeman – enough acres for manure?

Laleman – enough acres. Nassif – township comments? Oakland – have not heard back from the township. Board reviewed Findings of Fact. Attached is a copy to these minutes.

Ludeman – question on site map, area composting shed for dead animals? Laleman – animals

are picked up, those are existing slats that were rejected from construction.

Thooft moved, seconded by Nassif to recommend to the Lyon County Board of Commissioners to grant a Conditional Use Permit to MC Laleman Hog Farms, c/o Mark Laleman, 2628 County Road 10, Cottonwood, Minnesota, for a feedlot expansion and to hear public comment to fulfill Minnesota Session Law 2000 – Minn. Stat. § 116.07, subd 7 (l), to construct or expand a feedlot with a capacity of 300 animal units or more. Odor OFFSET setback requirement is 94%. The land is zoned agricultural and described as the South Half of the Southwest Quarter (S1/2SW1/4) of Section 2, Vallers Township. This parcel is being purchased on a Contract for Deed from George and Rita Laleman.

Existing Facility Consists of:

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Manure to be applied agronomically up to two times a year.

The Total Animal Unit Capacity = 720 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 statutes, 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. Agencies 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.

VOTING FOR: Thooft, Nassif, Ludeman, Steen, Chalmers

OPPOSED: None

ABSTAINED: None

ABSENT: None

Motion carried.

**RENEWAL - CONDITIONAL USE PERMITS – MARCH: None**

**DISCUSSION:**

Site of Operation for Towers – Rick Anderson. GIS department made map. Armer Radio Band. New EMS system, Federal Government requiring states to do, \$2 million cost. 3 towers in Lyon County. 800 mega hertz system, line of site. Nobles County new towers having problems with wind towers. 300’ beams to connect. Want Planning and Zoning and County Boards to look at. 25 mega watts state control wind towers. Beam study should be done if new wind towers are being put up. I know of 3 met towers in county doing wind studies. Two of the Armer towers on map are owned by the State of Minnesota, other will be Lyon County’s. No action, just information. Nassif – may be projects that come to board, have lines drawn. Anderson – should find that out. Ritter – April county’s tower to be built and running by April 15<sup>th</sup>. Hammer – discussion this morning that RDC should be getting involved. Part of study process. Anderson - narrow beam, widen receiver.

Nassif adjourned meeting at 7:45 p.m.

Respectfully submitted,

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Michael Nassif, Chairman  
Planning and Zoning/Board of Adjustments

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Carol Oakland, Secretary  
Planning and Zoning/Board of Adjustments