

MINUTES-PLANNING COMMISSION/BOARD OF ADJUSTMENT MEETING

TUESDAY, FEBRUARY 11, 2014, 7:00 P.M., COMMISSIONER ROOMS, LYON COUNTY GOVERNMENT CENTER, MARSHALL, MINNESOTA

MEMBERS PRESENT: Steen, Ludeman, DeCock, Chalmers

OTHERS PRESENT: Goodenow, Ritter, Biren, Zimmer, and Olson

ABSENT: Sturrock

Ludeman opened the meeting at 7:00 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

ELECTION OF OFFICERS – YEAR 2014. Ludeman turns meeting over to Biren for Election of Officers. Biren has talked with absent member, Sturrock, who has no interest in holding a chaired position. Biren opens the floor for nominations for the Chair position. Chalmers nominates Ludeman. Biren closes nominations. Motion made by Chalmers, seconded by DeCock to elect Ludeman as the Chair of the Planning Commission. All voted in favor, motion carried.

Biren opens the floor for nominations for the Vice Chair position. Ludeman nominates Chalmers. Biren closes nominations. Motion made by DeCock, seconded by Steen to elect Chalmers as the Vice Chair of the Planning Commission. All voted in favor, motion carried.

IDENTIFY ANY CONFLICT OF INTEREST. DeCock mentions that applicant Denise Weedman is his sister-in-law but plans to vote on the matter.

AMEND/APPROVE AGENDA. Steen motioned, seconded by Chalmers to approve the agenda. All voted in favor, motion carried.

CORRECT/APPROVE MINUTES FROM THE DECEMBER 10, 2013 MEETING. Chalmers motioned, seconded by Steen to approve the minutes as presented. All voted in favor, motion carried.

BOARD OF ADJUSTMENT:

VARIANCE: None.

PLANNING COMMISSION:

CONDITIONAL USE PERMIT:

Public Hearing, Todd and Curt Boerboom have applied for a conditional use permit to construct a new hog finishing barn approximately 101' x 200' with an 8' deep below the barn concrete manure pit. The property is located on twenty-four acres of the Northwest Quarter of Section Thirty-six (36) of Stanley Township, all located in Lyon County, MN. The property is zoned Agricultural.

Todd and Curt Boerboom were both present. Ludeman asks for some background on the project. Todd Boerboom indicates a 2400 head hog finishing barn is proposed to be constructed to the east of Todd's home site. No other buildings are being proposed besides the barn. Biren provides maps describing the proposed project. Biren did receive a letter back from the Stanley Township Board who were in support of the project. Ludeman moves to finding of facts.

Chalmers asks about planned access routes to the barn. Todd Boerboom states that access will be through the yard with use of the existing driveway off of County Highway 11. Ludeman asks how close the neighbors are. Biren states the closest neighbor is greater than 2000 feet away. No further discussion on the issue. Motion made by Chalmers, seconded by Steen to recommend the permit be granted by the County Board. All voted in favor, motion carries.

Public Hearing, Cory Staufacker has applied for a conditional use permit to construct a new hog finishing barn approximately 61' x 208' with an 8' deep below the barn concrete manure pit. The land owned by Craig Staufacker is on property located on the east half of the Northeast Quarter of Section Twenty-two (22) of Custer Township, all located in Lyon County, MN. The property is zoned Agricultural.

Cory Staufacker was present. Biren explains that there was an error in the published legal notice. Biren explains that the west half of the quarter is published when it should be the east half of the quarter. This could prevent concerned citizens who failed to be noticed because of the error. The 60 day rule, as defined by Minnesota statute, can be extended if specific details are stated in writing and signed by the landowner. Zimmer confirms this requirement. The 60 day rule currently would be up on March 15th, and the next County Board meeting will be March 18th.

Ludeman asks Staufacker if republishing the notice and setting back the date to March would be a problem. Staufacker does not anticipate constructing until April so it would not be a problem. Chalmers motions to table the request until the next Planning Commission meeting, seconded by DeCock. All voted in favor, motion carries.

Public Hearing, Kent and Denise Weedman have applied for a conditional use permit to expand an existing feedlot consisting of a 90' x 100' monoslope barn addition. Animal units will be increased to 540 feeder cattle. The property is located in the Southeast Quarter, Section Twenty-four (24), Sodus Township, all located in Lyon County, MN. The property is zoned Agricultural.

Kent and Denise Weedman were both present. Kent explains that the expansion will support additional cattle that their son is interested in buying. The existing monoslope cattle barn was constructed in 2011. Biren did not receive any public comment on the issue. Biren did receive an affidavit back from the Sodus Township Board who had no problem with the expansion.

Ludeman moves to the finding of facts. Ludeman asks if the Weedmans have ever received any comments on their existing barn. Denise Weedman states there have been no comments on the existing barn since its construction. Chalmers asks Biren if the expansion changes the odor offset. Biren says it could but in this case, the odor offset was still in compliance with the ordinance. The previous offset figure was 95% and with the expansion it was 94%. Motion made by Steen, seconded by Chalmers to recommend the permit be granted by the County Board. All voted in favor, motion carries.

Zimmer brought to the attention of the Commission that for motions made pertaining to animal feedlots, the following language can be removed: "and to hear public comment to fulfill Minnesota Session Law 2000 – Minn. Stat. § 116.07, subd 7 (l)." This was applicable to include prior to Lyon County becoming delegated in the feedlot program. Zimmer also posed whether or not existing conditional use permits should be re-evaluated when the term of the permit expires, as was done several years back. Chalmers expresses that the conditional use permits are recorded and continue in perpetuity with the granted property. Chalmers mentions that unless there is a violation, the permit remains in effect. No action taken by the Commission.

Chalmers motioned, seconded by Steen to adjourn at 7:35 pm. All voted in favor, motion carried.

Respectfully submitted,