

## **MINUTES-PLANNING COMMISSION/BOARD OF ADJUSTMENT MEETING**

**MONDAY, MARCH 10, 2014, 7:00 P.M., COMMISSIONER ROOMS, LYON COUNTY GOVERNMENT CENTER, MARSHALL, MINNESOTA**

**MEMBERS PRESENT:** Steen, Ludeman, Chalmers, Sturrock

**OTHERS PRESENT:** Anderson, Ritter, Biren, Zimmer, and Olson

**ABSENT:** DeCock

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

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

**IDENTIFY ANY CONFLICT OF INTEREST.** Anderson will abstain from any discussions with the Stauffer Barn.

**AMEND/APPROVE AGENDA.** The variance item will be heard lastly. Steen motioned, seconded by Chalmers to approve the agenda. All voted in favor, motion carried.

### **CORRECT/APPROVE MINUTES FROM THE FEBRUARY 11, 2014**

**MEETING.** Chalmers motioned, seconded by Steen to approve the minutes as presented. All voted in favor, motion carried.

### **PLANNING COMMISSION:**

#### **CONDITIONAL USE PERMIT:**

Public Hearing, Craig and Cory Stauffer have applied for a conditional use permit to construct a new hog confinement barn approximately 61' x 208' with an 8' deep below the barn concrete manure pit. The property is located in 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.

Biren explains Article 19 of the Zoning Ordinance and how it should be interpreted for the Stauffer conditional use. He explains that the mobile home is being considered a dwelling. The mobile home was permitted back in 2002. He also explains that tunnel vented hog barns may cause a problem to install biofilters or the manure pit vents. Currently, the Stauffers have two- 2,000 head hog barns existing and are proposing a 1600 head hog barn.

Ludeman opens the discussion to public comment. Corey Staufacker is present and explains that the major reason for the barn construction is because he wants to move home and farm. Corey mentions that they would rather go to the north with the barn because they met with the dirt moving contractors who said it would be a much greater cost to move dirt, up to three times as expensive, to construct to the south rather than the north. The dirt moving brings up the issue of moving water that will accumulate once the dirt is removed to build up the base for the barn if they go to the south.

Mary Zabel lives west of the Staufackers, greater than a quarter mile, but still is concerned about the potential odor. She is not in objection with the expansion but had some questions regarding the odor issue. Chalmers asks if Biren is he heard any comments from the owner of the trailer home to the north of the site. Biren says that Dwayne Maeyaert did not have an issue. The individual who lives in the mobile home would like the barn to go to the south. No comments were received from the Custer Township Board but they did return the comment form. Biren explains that the conditional use permit would allow the barn to go to the north but will be contingent upon conditions, which include biofilters. If biofilters are not installed, a variance will be required.

Ludeman asks for further comments from the public. Steve Johnson asks Biren how the odor is controlled here. Biren explains that a model is used, developed by the University of Minnesota, with technology inputs into the system operations. Chalmers adds that there is a way to record or measure the particulates in the air. Biren says that the site will be permitted by MPCA, and odor modeling is required as part of the permitting process. A Jerome meter is used to measure the hydrogen sulfide in the air.

Craig Staufacker says that water from both sides for the road ditch on Highway 59 pond on his property, to the south of the existing barns, with a four or five inch rain. If people drive past and see water by a hog barn, they will complain. A fourteen (14) inch tile under Highway 59 limits Craig to remove that ponded water. The ponded area is already heavily tiled but does not have an adequate outlet for more tile. S & K Construction said they preferred the site to the north because there would be less dirt work and the water problems could be avoided.

Ludeman moves to the finding of facts. Chalmers asks if the odor technologies have been discussed with the landowner. Biren states the he will work with David Schmidt from the U of M to discuss the technology options with the Staufackers. Ritter asks if a conditional use is granted and technologies installed/infrastructure constructed, how can a variance be considered. Ludeman explains that a hardship would be required with a

variance, which could still be met after construction. Craig Stauffer adds that construction costs have not yet been discussed for either going to the north or south. He says that the first hog barn was constructed in 1997 and the next was constructed in 2002. Craig asks Biren if a new house could be constructed with the new hog barns. Biren explains that a new house would have to be constructed greater than one quarter (1/4) miles away or by applying for a variance to reduce this setback once the hog barn is constructed. Biren explains that in 2004, the mobile home was inhabited.

Zimmer asks if the conditional use should specify which option, north or south, is pursued. She recommends that the Commission make it a condition that must be reviewed by Biren prior to construction with a building permit application. She also states that the setback language in condition nine be removed if the conditions refer to the odor offset or other setbacks previously. Biren adds that condition eight can be cleared up by stating that a "Land Use Permit" and all other requirements be completed prior to construction. Condition eight of the conditional use permit should state that Odor Offset setbacks must be met or a variance to the ordinance be granted. The conditions were deemed satisfactory by the Commission. Motion made by Sturrock, seconded by Chalmers to recommend the permit be granted by the County Board. All in favor, motion carries.

Public Hearing, K-Communication, Inc. %Stan Townsend has applied for a conditional use permit to construct a 190' broadband wireless communication tower and to bring in fiber and electricity. The property is located in the North half of the Northeast Quarter of Section Thirty-three (33) of Monroe Township, all located in Lyon County, MN. The property is zoned Agricultural.

Biren explains that the tower will provide broadband wireless services. Lighting for the tower is enforced through the FAA application but no lighting is being requested at this time. This will be a guyed tower. Stan Townsend, representing Finley Engineering, was present to comment on the tower. He states that the Rolling residents had a concern regarding the County drainage tile. Stan provides a description of the tower, that it will be supplied by both a fiber optic line and power. Two tile lines will be located prior to cable installation and if cut will be replaced. The tower will be 1200 feet from the road, far enough off the property line to comply with all setbacks.

Ludeman opens the discussion to public comments. Steve Johnson has several questions regarding the tower: 1. Is this tower supporting Woodstock telephone? Townsend says it is a subsidiary company. 2. The tower will also support broadband internet services? Townsend indicates that that will be its main function. 3. Will the tower interfere with

satellite television signals? Townsend responds no, it will not affect satellite signals. Ludeman moves to findings of facts. Ludeman asks Townsend about access roads to the tower. Townsend mentions that an existing road will be used and a 12 foot wide gravel driveway on site will be made. Ludeman asks about lights. Townsend mentions that no lights are required by FAA, so no lights will be installed if it is not required. Biren states that a condition was drafted to allow for a light but is not required. Townsend adds that prior to erection, a solar light would be added if required as a condition, otherwise once erect, the tower would be much more difficult to light.

Anderson asks what method will be used to install the tower. Townsend says a crane will be used to install the tower. Three anchor points with nine connections on the tower will be used to support the tower. Steve Johnson mentions that the helicopter does travel this direction to and from Tracy consistently and that should possibly be considered. Anderson feels the hospital should notify the helicopter company to modify route.

Ludeman asks the boards' feelings regarding a light. Chalmers would like to have a light on the tower for safety. Townsend says light can be installed prior to construction much easier than if already installed. This would be a solid red, non-intrusive light. Townsend said the main purpose will be to feed a tower by Lake Shetek but can also send a broadband wireless signal to a 5 to 9 mile radius. Biren received no letters regarding the tower from the township.

Zimmer mentions that the route of the project should be changed in condition 9 to "legal description." The board agrees that a non-intrusive red light should be installed prior to erection. Sandy Nyquist also comments that she had the same concerns as Steve Johnson. Motion made by Steen, seconded by Sturrock. All voted in favor, motion carries.

### **BOARD OF ADJUSTMENT:**

#### **VARIANCE:**

Public Hearing, Mark Vandelanotte has applied for a variance to construct a home addition 22 feet from the Road Right of Way. This requires a 78 foot variance from the Zoning Ordinance. The property is located in the Southeast Quarter of Section Four (4) of Stanley Township, all located in Lyon County, MN. The property is zoned agricultural.

Biren explains that the setbacks in the agricultural district are either 100 feet from the right-of-way or 130 feet from the centerline. A 78 foot variance would be required here

as Mr. Vandelanotte plans to construct an addition 22 feet from the right-of-way. Mark Vandelanotte was present and indicated that the house is closer to the road than the existing setback allows. Vandelanotte explains that several years back, the township requested him to increase his farming setback and plant grass or to take the road on as private. He decided to leave it public at that time. The Stanley Township Board provided comments but did not care one way or the other.

Chalmers wondered if there was any discussion to build south. Vandelanotte says yes, they plan on also expanding to the south. Ludeman opens the discussion up to public comment. Ludeman moves to finding of facts. Motion made by Chalmers, seconded by Steen. All voted in favor, motion carries.

Chalmers motioned, seconded by Sturrock to adjourn at 8:25 pm. All voted in favor, motion carried.

Respectfully submitted,

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Planning and Zoning/Board of Adjustments

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Luke Olson, Lyon County Planning & Zoning