

MINUTES-PLANNING COMMISSION/BOARD OF ADJUSTMENTS MEETING

TUESDAY OCTOBER 11, 2016– 7:00 P.M. COMMISSIONERS ROOM, LYON COUNTY GOVERNMENT CENTER, (LAW ENFORCEMENT CENTER) MARSHALL, MN.

MEMBERS PRESENT: Chalmers, DeCock, Steen, Ludeman

OTHERS PRESENT: Anderson, Ritter, Biren, Springstead

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

PLEDGE OF ALLEGIANCE TO THE FLAG

IDENTIFY ANY CONFLICT OF INTEREST: none

AMEND/APPROVE AGENDA: Approved as presented.

CORRECT/APPROVE MINUTES: Motion by DeCock, second by Steen to approve as presented.

BOARD OF ADJUSTMENT: None

PLANNING COMMISSION:

Conditional Use Request by Jonathan Olson for a new feedlot and to hear public comment to fulfill Minnesota Session Law 2000 – Minn. Stat. 116.07 Subd 7(1). Odor OFFSET setback requirement is 94%. Minimum setback for a new feedlot is 1,320 feet. The land is zoned agricultural and described as The west Half (W1/2) of the Northeast Quarter (NE ¼) and the Northwest Quarter (NW ¼) of the Southeast Quarter (SE ¼) Section Twenty Eight (28) Lucas Township (T113N R40W) Lyon County, MN.

Chalmers – Continuation of last month’s hearing following proper public notice. Concerns from last month included potential impact to ditch and lake.

Jonathon Olson explained the project. This is a new feedlot, under 1,000 animal units. The barn will be a tunnel ventilated barn housing 2,400 head of finishing hogs. Todd Hammer Lyon County Ditch Inspector has been involved with the access road as there is a crossing over county ditch 69 that will require being widened. Along the ditch bank there currently is a buffer approved by the farm service agency office. The building will be setback from the ditch, more than 120 feet which is the requirement. The manure will be used as organic fertilizer on land farmed by Olson.

Ludeman – Township response? Biren None

Findings of Fact were developed

Steen moved, seconded by Ludeman to recommend to the Lyon County Board of Commissioners to grant a Conditional Use Permit to Jonathan Olson, owner, for a new feedlot 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%. Minimum setback for a new feedlot is 1320'. The land is zoned agricultural and described as the The West Half of the Northeast Quarter and the Northwest Quarter of the Southeast Quarter of Section Twenty-eight, Lucas Township, Lyon County, MN.

The Proposed Facility to Consist of:

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

Type of Building:

(new) Approximately 102'x220' Confinement Barn with 8' deep below the barn concrete manure pit. Office to be located on front of building.

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. 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. 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 5 acres.
12. Adopt Findings of Fact as part of Motion.
13. 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, DeCock, Steen, Ludeman, motion passed

Conditional Use Request by Rural Route 3 Auto LLC (Brandon Louwagie) for a conditional use permit to operate a business (automotive repair). The area representing the request is zoned agricultural. The property is owned by Brandon Louwagie and is described as all that part of the Northeast Quarter (NE1/4) of Section Twenty-six (26) Township One hundred twelve (112), North, Range Forty-one (41) West, Lyon County, Minnesota.

Biren and Louwagie explained the proposed use.

Discussion

Ludeman, number of cars can be an issue with these types of uses

Discussion on number of cars to be addressed in permit

Findings of Fact were developed

Chalmers moved, seconded by DeCock to recommend to the Lyon County Board of Commissioners to grant a Conditional Use Permit to Rural Route 3 Auto LLC (Brandon Louwagie) for an Automotive Repair shop. The area representing the request is zoned agricultural. The property is described as All that part of the Northeast Quarter(NE ¼) of the Northeast Quarter(NE ¼) of Section Twenty-six (26) Township One hundred twelve (112) North, Range Forty-one (41) West, Lyon County, Minnesota.

With the following stipulations:

1. Site may be inspected to ensure compliance of all applicable regulations.
2. Noxious weeds must be controlled.
3. Business sign permitted according to zoning ordinance Article 16.
4. All necessary licenses and permits need to be kept current and valid.
5. Parking must be in accordance with Article 15.2K of the Lyon County Zoning Ordinance.
6. No more than 15 Customer Vehicles in open sight.
7. Salvage equipment or materials not to be stored in open sight.

8. This business in in the agricultural district. Expect permitted and conditional use permit activities related to agricultural operations and odors.
9. Copy of the recorded deed to be submitted to the Planning and Zoning Office prior to issuing a land use permit.
10. Must abide by Minnesota Department of Agricultural and Minnesota Pollution Control Agency guidelines.
11. Access is to be approved by road authorities.
12. If business is inactive for one year, Conditional Use Permit will be revoked.
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: Chalmers, DeCock, Steen, Ludeman, motion passed

No other business

Adjourn

Respectfully submitted,

Planning and Zoning/
Board of Adjustments

John Biren, Lyon County Planning &
Zoning