

MINUTES-PLANNING COMMISSION/BOARD OF ADJUSTMENTS MEETING

TUESDAY SEPTEMBER 13, 2016– 7:00 P.M. COMMISSIONERS ROOM, LYON COUNTY GOVERNMENT CENTER, (LAW ENFORCEMENT CENTER) MARSHALL, MN.

MEMBERS PRESENT: Chalmers, Steen, Williams, Ludeman

OTHERS PRESENT: Anderson, Ritter, Biren, Springstead, Olson

ABSENT: DeCock

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

PLEDGE OF ALLEGIANCE TO THE FLAG

IDENTIFY ANY CONFLICT OF INTEREST: none

AMEND/APPROVE AGENDA: Biren recommends taking public comment on Olson – Conditional Use Permit but the permit will have to be re-noticed due to a discrepancy in animal numbers and head in the original permit. Motion by Williams, second by Ludeman to approve amended agenda.

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

BOARD OF ADJUSTMENT:

A Variance Request has been received by the Lyon County Planning & Zoning Administrator from Jordy Beek to construct a garage 4 feet from the property line. The request is for a 21-foot variance from the 25-foot side yard setback established in the Agricultural District of the Zoning Ordinance. The land is zoned agricultural and described as: Part of the North half of the Southeast Quarter, Section 1, Lake Marshall Township, Lyon County, MN (Address 2855 State Highway 19, Marshall, MN).

Sue Beek is present and representing Jordy Beek. Biren had no comments from the public or Township regarding the request. Proposed garage is 20x40' structure. Beek- building the garage in-line with the existing garage to allow equipment traffic between the drive. Chalmers- move propane tank and construct garage on concrete slab? Beek- the view from the house would be obstructed. Other locations considered would require trees to be taken down. Chalmers- Aesthetics or cost are not considered with the variance.

Chalmers moves to finding of facts. Chalmers- the plight of the landowner is due to unique circumstances, not created. Biren is unsure when the property was subdivided. Biren- the garage would meet setbacks if proposed on the cement slab. Ludeman- concern from neighbor? Biren- no, neighbor had no issue with variance. Ludeman asks Beek if they would build the garage in another location if the variance was not granted. Beek- yes. Chalmers polls the board on the plight finding and alternative locations. Beek- additional fill would be required as the

proposed location has a gravel base currently. Chalmers reiterates that although the use is permitted, the practical difficulty is created by the landowner and cannot be based on economic consideration.

Motion made by Ludeman to approve 21-foot variance, seconded by Williams. Ludeman explains that since the request is for a side yard setback variance, an existing structure already exists at the same 4-foot setback off the property line, and that the neighbors do not object to the variance all support approval. Chalmers-does not want to set precedence. Springstead agrees that approval would go against findings. Steen- believes precedence should not be set, even though financially the alternative may be a burden.

Williams- snow removal issues with garage placed to the east of existing barn, snow is typically piled in the southeast of property. Chalmers questions whether or not placement of garage on slab would affect property value. Beek believes it definitely would. Beek- explains turning a trailer or equipment with the garage placed on the concrete slab would be difficult. Chalmers recommends that property value be added to findings. All vote in favor, motion carries.

PLANNING COMMISSION:

A Conditional Use Permit Request was received by the Lyon County Planning & Zoning Administrator from Vande Ag Enterprises, operator, to construct a 4800 head finishing hog barn. The land is zoned agricultural and described as the following: Part of the Southeast Quarter of the Northeast Quarter, Section 30, Clifton Township, Lyon County, MN (5 acres to be surveyed as a new parcel).

Ryan Vandendriessche, Jordan Vandeputte, Eric Vandendriessche are all present and representing Vande Ag Enterprises. Request to construct a 122 x 336-foot tunnel ventilated barn, contract finishing hogs, with hogs cycling through three times per year. Environmental Assessment Worksheet (EAW) will be studied by Andy Nesseth within 9 square miles of the project. Biren explains that public comments received will be submitted with the EAW. The EAW will determine whether an Environment Impacts Statement (EIS) will be required for the project. Permit cannot be issued until a negative EIS declaration is declared.

Biren explains that the nearest neighbor is 3,348 feet (0.73 miles) and has an odor offset rating of 97% at this distance. Ludeman- EAW will be done by outside engineer? Vandendriessche- Pro-Ag Engineering will be completing air modeling and the EAW study. Vandendriessche explains the tunnel ventilated barn. Chalmers- manure application. Vandendriessche- Clifton 29, 30 areas with additional parcels to be considered for manure application.

Ludeman- higher mortality, collection location? Vandendriessche- leaning towards rendering, 3 sided concrete container that is rodent proof, but mortality management will be covered in EAW

and State permitting. Ludeman questions barn placement with highway passing lanes and views from crown of hill. The barn will be placed 120 feet from property line.

Chalmers opens the discussion to public comment. Lori VanOverbeke, nearest neighbor, objects to the barn placement because of odor, property values. Suggests to move barn one mile to the west onto the Township gravel road. Biren received letter back from Township who expressed no concerns. Jim Albee lives north of the proposed barn and would have appreciated the applicants visiting with the neighbors prior to the proposal.

Biren explains the odor offset modeling. The model represents a 97% offset value from the nearest neighbor, approximately 9 to 10 days of offensive odors per year. Gary VanOverbeke asks about odor control. Vandendriessche- rationed diet, pit treatment to reduce flies, microbes to keep solids suspended, no pit fans, and pumping pits completely will control odor.

VanOverbeke- who is going to ensure pit treatment is done? Biren- it will be up to operator.

VanOverbeke- shelterbelt planting around barn. Vandendriessche- plans to plant a shelterbelt are dependent on the EAW submission. Ludeman- Iowa State research shows pros and cons to shelterbelt plants as it relates to odor, very site specific. Vandendriessche- no plans for shelterbelt on the east property line due to visibility of traffic leaving the site. Ludeman- City of Marshall well to south? Vandendriessche- DNR well appropriations permit was submitted and approved for project. Mike Boerboom- pit additives ensure that solids are kept suspended in pit, providing the ability to pump the pit completely. Barn management is key in reducing odor.

Chalmers moves to finding of facts. Odor management plan discussed. Motion made by Ludeman, seconded by Steen, to recommend approval of the conditional use permit to the County Board. Vandendriessche- construction will not occur in 2016. Chalmers states that the recommendation will not be made to the County Board until the EAW is complete.

Springstead- request is in draft, must come back to the Planning Commission once EAW finding are submitted and EIS resolution complete. Boerboom would recommend that the local government provide direction on the viability of each project prior to pursuing the EAW due to cost. The conditional use permit request will be presented to the Planning Commission again once the results of the EAW are received.

A Conditional Use Permit Request was received by the Lyon County Planning & Zoning Administrator from Jonathan Olson to construct a 2400 head finishing hog barn. There was a discrepancy in the animal unit numbers in the notice, so the project will be re-noticed. Chalmers opens the discussion to public comment. Kenneth Meyer has concerns regarding the potential for manure runoff reaching the county ditch, setbacks from the ditch, and traffic on the Township road. Biren- access onto the property will need to be widened, buffer is adequate. Meyer- manure

spills/runoff. Olson- engineered design on barn, pumping and hauling directly into tanks and incorporating manure from there. 60-foot CRP filter strip currently in place. Ludeman- flowing water in ditch. Olson-some water at all time, but minimal flows. Planning on Spring 2017 construction. Chalmers tables agenda item to next meeting.

Adjourn: Motion made by Ludeman, seconded by Williams to adjourn meeting at 8:15 pm. Motion passes unanimously.

Respectfully submitted,

Planning and Zoning/
Board of Adjustments

Luke Olson, Lyon County Planning &
Zoning