

MINUTES - PLANNING COMMISSION/BOARD OF ADJUSTMENT MEETING

TUESDAY, DECEMBER 14, 2010, 7:00 P.M., COMMISSIONER ROOMS, LYON COUNTY GOVERNMENT CENTER, MARSHALL, MINNESOTA

MEMBERS PRESENT: Ludeman, Vroman, Buesing, Nassif, Nelson, Ritter, Zimmer, Biren

MEMBERS ABSENT: Thooft

PLEDGE OF ALLEGIANCE TO THE FLAG

AMEND/APPROVE AGENDA – Biren – addition to agenda: Cellular Telephone Tower Sale. Motion by Vroman, seconded by Buesing to amend agenda with addition. All voted in favor. Motion carried.

CORRECT/APPROVE MINUTES OF THE NOVEMBER 9, 2010 and NOVEMBER 18, 2010 MEETINGS. Motion by Nassif, seconded by Buesing to approve the November 9, 2010 minutes as presented. All voted in favor. Motion carried. Motion by Buesing, seconded by Nassif to approve the November 18, 2010 minutes as presented. All voted in favor. Motion carried.

BOARD OF ADJUSTMENT: None

PLANNING COMMISSION: None

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

Kent and Denise Weedman, 2886 County Road 2, Tracy, Minnesota
Southeast Quarter (SE1/4), Section 24, Sodus Township

Existing Facility Consists of:

Beef Cattle (200 x 1.0 animal factor)	=	200 Animal Units
Swine, Over 300 pounds (38 x .4 animal factor)	=	15 Animal Units

Type of Buildings:

58'x28' Partial Confinement Barn with Open Lot and 58'x28' Manure Pack on Lot or Floor
 52'x30' Partial Confinement Barn with Open Lot and 52'x30' Manure Pack on Lot or Floor
 40'x60' Partial Confinement Barn with Open Lot
 16'x30' Partial Confinement Barn with Open Lot

Proposed Facility to Consist of:

Beef Cattle (200 x 1.0 animal factor)	=	200 Animal Units
new - Beef Cattle (160 x 1.0 animal factor)	=	160 Animal Units
Swine, Over 300 pounds (38 x .4 animal factor)	=	15 Animal Units

Type of Buildings:

58'x28' Partial Confinement Barn with Open Lot and 58'x28' Manure Pack on Lot or Floor
 52'x30' Partial Confinement Barn with Open Lot and 52'x30' Manure Pack on Lot or Floor
convert to feed storage - 40'x60' Partial Confinement Barn and eliminate Open Lot

**convert to feed storage - 16'x30' Partial Confinement Barn and eliminate Open Lot
new - 210'x100' Total Confinement Barn with Manure Pack on Lot or Floor**

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

The Total Animal Unit Capacity = 375 Animal Units

Odor OFFSET setback requirement is 94%.

Kent and Denise Weedman were present. Biren – discussed handout. Building a new monoslope building. Cattle lots empty and buildings to be used for storage (feed). Over 300 animal units, CUP required, setbacks met, 94% odor offset met. Kent Weedman – like to do is build monoslope barn. 360 animal unit capacity, have 200 animal units now. Small expansion. Pollution problem this summer with 5” rain, not happy. Fixed lot two years ago, berm and 4’ wall improved problem, now expanding eliminate pollution problem. Ludeman – letter from Francis Stassen was read. Attached to minutes is a copy of the letter. Flies and manure concerns. Ludeman – manure management plan required. Biren - part of permit. Ludeman – flies? Weedman – cannot tell you what they will be like. Hearsay with monoslope barn not a problem. For own sake take care of it. Ludeman – noted that neighbor concern about it. Biren – Township Board no issue. Will need to take public comment. Ludeman – anyone care to comment? Marlis Gladis – several shallow wells in area, how will this affect us, comes from my way down there? Well 30’-32’ deep, enough water? Biren – concern not enough water? Gladis – will it slow down what I am getting, affect my well? Well was put in when moved there. Vroman – pollution in water, less. Nothing running out of building. Ludeman – address well. Weedman – hoping enough, 200 head cattle and some hogs. Hope keep going, have to see. Rural water coming, thinking hooking up, option. Vroman – undue stress on water system. Ludeman – hope not. Gladis – if does happen, well run dry? Nassif – didn’t happen in drought, should be okay. Gladis – don’t use much water myself. Biren – state regulates, Department of Natural Resources; yearly/daily basis, number gallons, under threshold, cannot mine water. DNR enforcing agency. Problem first before know it is a problem. After the fact, will inform area hydrologist of structure being built, aquifer. Nelson – Weedman’s how deep is your well? Weedman – 60’. Ludeman – hard to project at this point. Other comments? None. Board reviewed Findings of Fact, matter for record. #3. n/a. #5. improve pollution problem/small expansion. Attached is Findings of Fact.

Nassif moved, seconded by Buesing to recommend to the Lyon County Board of Commissioners to grant a Conditional Use Permit to Kent and Denise Weedman for a feedlot expansion. The land is zoned agricultural and is described as Southeast Quarter (SE1/4), Section 24, Sodus Township.

Existing Facility Consists of:

Beef Cattle (200 x 1.0 animal factor) = 200 Animal Units

Swine, Over 300 pounds (38 x .4 animal factor) = 15 Animal Units

Type of Buildings:

58’x28’ Partial Confinement Barn with Open Lot and 58’x28’ Manure Pack on Lot or Floor

52’x30’ Partial Confinement Barn with Open Lot and 52’x30’ Manure Pack on Lot or Floor

40’x60’ Partial Confinement Barn with Open Lot

16’x30’ Partial Confinement Barn with Open Lot

Proposed Facility to Consist of:

Beef Cattle (200 x 1.0 animal factor)	=	200 Animal Units
new - Beef Cattle (160 x 1.0 animal factor)	=	160 Animal Units
Swine, Over 300 pounds (38 x .4 animal factor)	=	15 Animal Units

Type of Buildings:

58'x28' Partial Confinement Barn with Open Lot and 58'x28' Manure Pack on Lot or Floor

52'x30' Partial Confinement Barn with Open Lot and 52'x30' Manure Pack on Lot or Floor

convert to feed storage - 40'x60' Partial Confinement Barn and eliminate Open Lot

convert to feed storage - 16'x30' Partial Confinement Barn and eliminate Open Lot

new - 210'x100' Total Confinement Barn with Manure Pack on Lot or Floor

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

The Total Animal Unit Capacity = 375 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.
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: Buesing, Nassif, Ludeman

OPPOSED: None

ABSTAINED: Vroman

ABSENT: Thooft

Motion carried.

Ritter – thanked Weedman for statement concerned about the environment (taking care of pollution problem).

RENEWAL - CONDITIONAL USE PERMITS – AUGUST:

Philip Regnier – Daniel Stevens, Mobile Home, N1/2NE1/4, Section 20, Grandview Township. Issued August 1994 (3 years), renewed every 3 years. 2003 estate, extended yearly since then to have mobile home removed from property. Status – letter to property owner (Catherine Dobbins). September 14th meeting – give 30 days to work with landowner. October and November meetings – spoke with her, waiting for arrangements to be made to move the mobile home. Update. Biren – mobile home still out there. Appreciate time.

RENEWAL - CONDITIONAL USE PERMITS – DECEMBER:

Mike and Dawn Vlaminc, Business (repair shop), S1/2SW1/4, Section 4, Grandview Township. Issued December 2001 (3 years) . Not recorded. Biren – works on trucks, tractors, heavy equipment. Has 3-4 employees. No issue with conditions. Renew for 3 years. Had a discussion with holding tank, floor drain or surface outlet. State/Federal government change in rule. May need to do something in future, aware of it, will do what he needs to do if requirements change. Motion by Buesing, seconded by Vroman to renew for 3 years. All members voted in favor. Motion carried.

Adam Willert, Manufacture and Recycle Pallets, N1/2NEW1/4, Section 36, Fairview Township. Issued: December 2008, inspect yearly. Recorded. Biren – no action needs to be taken here, just for information. Recycle/build new pallets, no issues. Vroman – he built another building? Biren – cold storage, planned residence in future, is a hard worker. Ritter – works 7 days a week.

DISCUSSION:

- Follow up Coon Creek Township Board correspondence: Status - Contractor (Rogge) letter to County. Biren – MPCA issued a letter regarding concrete, when I get it, Rogge misplaced it, requested copy from MPCA, will satisfy Township.
- Don DeLanghe –Amendments to CUP - Feedlot Permit issued in 2007. Biren – last board meeting list of conditions supplied to Board. Directed to clean them up and bring them back to Board at their next meeting. Ludeman – has been in newspaper. Vroman – concern manure samples. Biren – certified crop consultant. Buesing – fine? Biren – MPCA 2 fines, one to pumper and one to Don. Don't know amount. Stipulation agreement, state will enforce, correct problem.
- Zoning Ordinance – November 26, 2010 Copy. Update for binder.
- 2011 Meeting Dates. Ludeman – my term and Debbie's are up. Have been mailed application. Reviewed meeting dates. Attached are the dates, will be published. Ludeman will be gone for January meeting. Vroman and Buesing may be gone for February meeting.
- Redwood Telephone CUP non-transferable. Article 22 of ordinance states transferable, read section of ordinance. Vroman – says may be. Biren – no difference in tower usage. Ludeman – no problem, no change in tower function. Biren – buyer concern, will work with them.

Ritter – would like to recognize Commissioner Nelson for his 10 years of service on this Board and County Board. Biren – when working on zoning ordinance revisions with Phil his comment was “Let Freedom Reign” and use common sense. Nelson – remember this is America.

Ludeman – adjourned meeting at 7:40 p.m.

Respectfully submitted,

Sander Ludeman, Chairman
Planning and Zoning/Board of Adjustments
Adjustments

Carol Oakland, Secretary
Planning and Zoning/Board of