

MINUTES-PLANNING COMMISSION/BOARD OF ADJUSTMENTS MEETING

Tuesday, May 14, 2019 at 7:00 P.M., COMMISSIONERS ROOM, LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN.

MEMBERS PRESENT: DeCock, Louwagie, Steen, Williams, VanOverbeke

OTHERS PRESENT: Crowley, Ritter, Springstead, Biren, Luke Gregoire, Kevin Gregoire, Greg Boerboom, Laurie Boerboom, Mike Boerboom

Chair DeCock opened the meeting at 7:00 p.m.

The Pledge of Allegiance was recited by all

Chair DeCock asked to identify any conflicts of interest; DeCock indicated he would be abstaining from Boerboom Ag Resources Conditional Use Permit.

AMEND/APPROVE AGENDA: Steen moved, seconded by Williams to approve the agenda as presented. All in favor, motion carried.

Minutes from April 9, 2019 meeting were reviewed, Steen moved, seconded by Williams to approve minutes as presented. All in favor, motion carried.

BOARD OF ADJUSTMENTS no business

PLANNING COMMISSION

Kevin Gregoire feedlot expansion, public notice read into the record,

A REQUEST HAS BEEN MADE to the Lyon County Planning and Zoning Administrator by Kevin Gregoire - Farm, 2389 360th Street, Marshall, MN for a Conditional Use Permit request for a feedlot expansion and to hear public comment to fulfill Minnesota Session Law 2000 – Minn. Stat. § 116.07, subd 7 (I), to construct or expand a feedlot with a capacity of 300 animal units or more. Odor OFFSET setback requirement is 94%. The land is zoned agricultural and described as following:

Part of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) Section 28, Vallers Township, Lyon County, Minnesota

The Proposed Facility to Consist of:

(New) Swine over 300 lbs. (1,007 x .4 animal factor)	=	403 Animal Units
(Existing) Swine under 55 lbs. (400 x .05 animal factor)	=	20 Animal Units
(Existing) Swine over 300 lbs. (660 x .4 animal factor)	=	264 Animal Units
(Total Animal Units)	=	687 Animal Units

Types of Building (dimensions are approximates):

- (New) 218' x 83' Gestation Barn with 12' deep below barn concrete manure pit
- (New) 78' x 75' Farrowing Barn with 2' below barn concrete pull plug manure pit
- (Existing) 60' x 172" Gestation Barn with 8' deep below barn concrete manure pit
- (Existing) 50' x 88' Farrowing Barn with 2' below barn concrete pull plug manure pit
- (Existing) 36' x 62' Farrowing Barn with 2' below barn concrete pull plug manure pit
- (Existing) 34' x 48' Nursery Barn with 2' below barn concrete pull plug manure pit
- (Existing) 22' x 88' Farrowing Barn with 2' below barn concrete pull plug manure pit
- (Existing) 58' x 112' x 9' earthen manure storage basin to be eliminated

The Total Animal Unit Capacity = 687 Animal Units

Luke and Kevin Gregoire described their plans for expansion of the existing hog-farrowing site. Existing earthen lagoon will be eliminated will create a year of manure storage, expansion due to bringing livestock from older facilities currently located off site.

Biren indicated he received one phone call from the closest neighbor supporting the request.

No other public comment received.

Findings of Fact were developed. Existing conditions to improve, rural water will be utilized; Access off HWY 59 and a local township road, the odor offset model requirements have been met; manure utilization will be an improvement.

Steen moved, seconded by VanOverbeke to recommend to the Lyon County Board of Commissioners grant a Conditional Use Permit to Kevin Gregoire, for a feedlot expansion to construct or expand a feedlot with a capacity of 300 animal units or more.

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 1220'.
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'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.

All voted favor, motion passed.

Boerboom Ag Resources feedlot expansion, public notice read into the record

A REQUEST HAS BEEN MADE to the Lyon County Planning and Zoning Administrator by Boerboom Ag Resources, 3173 State Highway 19, Marshall, MN. Property Address is 3154 300th Street, Marshall, MN for a Conditional Use Permit request for a feedlot expansion 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%. The land is zoned agricultural and described as following:

Part of the Southeast Quarter (SE 1/4) of Section 21, Stanley Township, Lyon County, Minnesota

The Proposed Facility to Consist of:

(New) Swine under 55 lbs. (65 x .05 animal factor)	=	3.25 Animal Units
(New) Swine over 55 lbs. (255 x .3 animal factor)	=	76.5 Animal Units
(New) Swine over 300 lbs. (2205 x .4 animal factor)	=	882 Animal Units
(Existing) Swine under 55 lbs. (160 x .05 animal factor)	=	8 Animal Units
(Existing) Swine over 55 lbs. (720 x .3 animal factor)	=	216 Animal Units
(Existing) Swine over 300 lbs. (1636 x .4 animal factor)	=	654.4 Animal Units
(Total Animal Units)	=	1840.15 Animal Units

Types of Building (dimensions are approximates):

(New) 152' x 465' Gestation Barn with 10' deep below barn concrete manure pit

(New) 85' x 372' Farrowing Barn with 2' below barn concrete pull plug manure pit

(New) Dead Animal Composting Facility and Necessary Accessory Structures

(Existing) 256' x 80' Gestation Barn with 10' deep below barn concrete manure pit (Additions of Fan Room and Cool Cell Room)

(Existing) 60' x 20' Farrowing Barn with 2' below barn concrete pull plug manure pit

(Existing) 40' x 88' Gilt Development Unit with 2' below barn concrete pull plug manure pit

(Existing) 60' x 100' Gestation Barn with 2' below barn concrete pull plug manure pit to be eliminated

(Existing) 40' x 100' Gestation (Gilt Grower) Barn with 2' below barn concrete pull plug manure pit to be eliminated

(Existing) 160' x 310' x 10' earthen manure storage basin to be eliminated

The Total Animal Unit Capacity = 1840.15 Animal Units

Mike Boerboom and Lori Boerboom represented application,

The proposed project will eliminate the earthen basin; the site will operate under a MPCA NPDES permit; construction planned for the spring 2020, with the earthen basin potentially being closed this fall; applicants spoke with all the neighbors within a mile, plenty of parking, site will be larger, production based on the open pen gestation concept, well will have enough capacity, closest neighbors feed pigs supplied by Boerboom Ag Resources, Lyon Lincoln Electric will be supplying power, there will be more employees totaling between 10-12, trying to move away from hauling manure on the roads, using a dragline system.

There was no public comment received,

Findings of Fact were developed; Odor offset model setbacks have been met, there is a need to increase production, earthen basin will be eliminated,

VanOverbeke moved, seconded by Williams to recommend to the Lyon County Board of Commissioners grant a Conditional Use Permit to Boerboom Ag Resources, for a feedlot expansion 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 1220'. The land is zoned agricultural and located at 3154 300th Street, Marshall, MN and described as Part of the Southeast Quarter (SE 1/4) of Section 21, Stanley Township, Lyon County, Minnesota

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. Adopt Findings of Fact as part of Motion.
12. 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 in favor: Louwagie, Steen, Williams, VanOverbeke

Abstained: DeCock,
Motion passed

Williams moved second by Steen to adjourned meeting. All the voted in favor.

Respectfully submitted,

Bernie DeCock, Planning Commission

John Biren, Lyon County Planning & Zoning