

MINUTES-PLANNING COMMISSION/BOARD OF ADJUSTMENTS MEETING

Tuesday, January 12th 2021– 7:00 P.M., COMMISSIONERS ROOM, LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN. Due to the COVID 19 Virus, the meeting offered a call in option for board members and participants. Roll call voting utilized on land use decisions.

MEMBERS PRESENT: Louwagie, Steen, VanOverbeke, Meulebroeck, Willams

OTHERS PRESENT: Biren, Ryan, Springstead, Doug & Tyler Laleman

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

All present recited the Pledge of Allegiance

Identify any conflicts of interest: None

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

Minutes for the November 10, 2020 meeting reviewed, VanOverbeke moved, second by Williams to approve the minutes as presented. All in favor motion carries.

BOARD OF ADJUSTMENTS:

Steen: Reads CUP request from Tyler Laleman

A REQUEST HAS BEEN MADE to the Lyon County Planning and Zoning Administrator by Tyler Laleman, Owner/Operator, 3310 State Highway 23, Marshall, MN for a Conditional Use Permit request for a new feedlot and to hear public comment to fulfill Minnesota Session Law 2000 – Minn. Stat. 116.07, subd 7(l). Odor OFFSET setback requirement is 94 %. Minimum setback for a new feedlot from neighboring dwellings is 1320'. (Dwellings of the feedlot owner or operator are not required to meet the setback) The land is zoned agricultural. The land is explained and described as following:

Land is Owned by Douglas and Nancy Laleman, 3326 State Highway 23, Marshall, MN and described as, all that part of the Southwest Quarter (SW ¼) of Section 2, Township 112 N Range 41 W lying easterly of the right of way of State Highway #23 as the same is now located over and across said Section 2, subject to existing roadways, highways and easements. Proposed new feedlot will be established on land to be subdivided; Tyler Laleman will acquire a legal parcel adjacent to existing feedlot site owned by Doug and Nancy Laleman.

The Proposed Facility to Consist of:

(New) Slaughter Cattle (660 x 1 animal factor) = 660 Animal Units

Type of Building:

(new) Approximate dimensions include a 76'x 242' concrete confinement barn with three (3) below the barn manure pits. Each pit has a dimension of 56'x 79'6" x 14' deep.

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

The Total Animal Unit Capacity = 660 Animal Units

Biren: Introduces Tyler Laleman. Proceeds to explain project.

- *This request does not require variance due from neighboring Doug Laleman's home due to owner/operator language in ordinance.*
- *Explains maps and proposed schematics*
- *Lyon County reverts to MPCA on multi site determinations. MPCA has made the determination that this site could be permitted as a separate site from neighboring Doug Laleman's cattle barn (approx. 50')*
- *Biren highlights to need to look into ordinance in the future regarding multi site determinations*
- *Biren asks Tyler Laleman to explain operational details of proposed feedlot*

Tyler Laleman:

- *Loading and unloading cattle will utilize chute*
- *Drilling new well in location of existing well on proposed new parcel*
- *Electrical will come from existing pole in yard and will be metered separate*

Biren: Please talk about the manure plan

Laleman: All manure will go on ground that we farm. Centrol Crop consulting is working on plan. Manure will be applied once a year in the fall and incorporated. Manure will be tested and Centrol will recommend application.

Biren: MMP will be reviewed prior to feedlot permit being issues. Biren highlights that if MPCA determines this site as one site with Doug Laleman's feedlot, Tyler will be required to come back to this board and submit a new requests. Biren asks Tyler Laleman if he understands.

Tyler: Yes, I understand that.

Louwagie: This barn will be able to hold manure for one year?

Laleman: Yes, that's why the pits are 14' deep. Gutters on barn will be able to be directed in and out of the pit.

Steen: Please explain, your parents currently own the land that you are going to be building this on? And you are going to purchase this parcel?

Laleman: Correct. I will purchase 5 acres.

Steen: So you will own it by the time you start construction

Laleman: Yes.

Biren: Minimum lot size is 5 acres. Indicates Tyler's father, Doug, is nodding his head in the audience.

Laleman: We haven't marked it out yet, until we know the project is a go for sure.

Steen: HWY 23 will be your access?

Laleman: That will be the access for trucks coming in yard

Steen: How much added traffic do you anticipate with the new driveway?

Laleman: 2 to 3 trucks loads when the cattle come in per pen and 13 to 15 trucks when they go out

Steen: How often do you do these transfers

Laleman: depends on the size of animals. Usually 2 turns a year

Steen: Just trying to look at the additional traffic that will be added

Laleman: This driveway is actually easier to see for traffic than the one that goes to the existing site

Biren: Reads statement from MNDOT regarding new proposed driveway. Statement indicates Tyler will have to apply for a permit for the new driveway. Asks Tyler if MNDOT does not approve permit for new driveway, do you have another plan?

Laleman: Yes. We would adjust the existing driveway to use for this site. I have called and sent an email to MNDOT and have not received a response yet.

Williams: Livestock farm will result in much less added traffic than a grain farm

Steen: Are there any existing wells that service this property already?

Laleman: There are 3 existing wells. None are being used. Existing home and cattle barn are serviced by rural water. New barn would be serviced by well.

Steen: Any other questions? Open the floor to public comment

Biren: Township board of Fairview agrees with request. No other public comments. Speaks on the well-kept nature of existing feedlot that Doug Laleman operates.

Steen: Closes public comment. Moves to finding of facts.

Biren: Read proposed motion - to recommend to the Lyon County Board of Commissioners to grant a Conditional Use Permit to Tyler Laleman for a new feedlot. The area representing the request is zoned agricultural and described as:

Land is Owned by Douglas and Nancy Laleman, 3326 State Highway 23, Marshall, MN and described as, all that part of the Southwest Quarter (SW ¼) of Section 2, Township 112 N Range 41 W lying easterly of the right of way of State Highway #23 as the same is now located over and across said Section 2, subject to existing roadways, highways and easements. Proposed new feedlot will be established on land to be subdivided; Tyler Laleman will acquire a legal parcel adjacent to existing feedlot site owned by Doug and Nancy Laleman.

With the following stipulations:

1. 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 neighboring dwellings 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.

Williams moved, seconded by Meulebroeck to recommend to the Lyon County Board of Commissioners to grant a Conditional Use Permit to Tyler Laleman to construct a new feedlot.

VOTING FOR: Louwagie, VanOverbeke, Steen, Williams, Meulebroeck (Roll Call)

OPPOSED: None

ABSTAINED: NONE

ABSENT: NONE

Motion to adjourn by Williams second by Meulebroeck all in favor, motion carried.

Planning Commission Chair

John Biren, Lyon County P&Z Administrator