

MINUTES-PLANNING COMMISSION/BOARD OF ADJUSTMENTS MEETING

Tuesday, March 9, 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, DeBaere, VanOverbeke, Meulebroeck, C. Olson

OTHERS PRESENT: Biren, Cauwels, Springstead, Brian & Kelly Jones, Beth Ann Winter, Brad Peterson, Brian & Julie Peterson, Bob Tolk

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: Meulebroeck moved, seconded by VanOverbeke to approve the agenda as presented. All in favor, motion carried

Minutes for the February 9, 2021 meeting reviewed, VanOverbeke moved, second by DeBaere to approve the minutes as presented. All in favor motion carries.

BOARD OF ADJUSTMENTS:

Biren: Reads Variance Request from Clark Family Farm, LLC – Kelly Jones

A VARIANCE REQUEST has been received by the Lyon County Planning and Zoning Administrator by Clark Family Farm LLC, C/O Kelly Jones, 700 Kennedy Street, Marshall, MN 56258 to construct a home 45 feet from the road right-of-way. The required setback is 100 feet from the road right of way. This request represents a 55-foot variance. Property address is 2166 County Road 74, Marshall, MN 56258. The land is zoned Agricultural and is described as:

All that part of the Southwest Quarter (SW ¼) of Section Fourteen (14), Township One Hundred Eleven (111), Range Forty-two (42) Lynd Township, all located in Lyon County, Minnesota.

Biren: Introduces Brian & Kelly Jones as representatives of Clark Family Farms, LLC. Proceeds to explain project.

Louwagie: Any questions? VanOverbeke- Looks like a good place to put the home. Obstruction of view and/or trees will not be affected. VanMoer from Highway Department has no opposition. Letter from Mary and Russ Baldwin in favor of Jones putting a new home on the property. Open the floor to public comment – none from audience.

Biren: Township board of Lynd agrees with request.

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

Biren - Read through Findings of Facts. Board agrees with all findings of fact and answers yes to all of the findings of facts.

Biren: Read proposed motion for the Board of Adjustments to grant a variance to Clark Family Farms, LLC to construct a home 45 feet from the road right-of-way. This represents a 55-foot variance. The area representing the request is zoned agricultural and described as:

All that part of the Southwest Quarter (SW ¼) of Section Fourteen (14), Township One Hundred Eleven(111), Range Forty-two (42) Lynd Township, all located in Lyon County, Minnesota. With the following stipulations:

1. That if any of the work performed as allowed by the granting of this variance is ever impacted or required to be removed, the cost of such impact shall be borne by the landowner, including removal and/or relocation of property and facilities.
2. Must obtain a building permit prior to construction.
3. The purpose of which the variance was granted shall be undertaken by the applicant within 18 months of the granting of the variance. For good cause, the Zoning Administrator may grant an administrative extension of up to 12 months. Said extension shall be in writing. If the applicant fails to establish use of the variance within said time limits, the variance shall expire.
4. Adopt Findings of Fact as part of Motion.
5. A copy of this 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.

Meulebroeck moved, seconded by VanOverbeke to grant a variance to Clark Family Farms, LLC – Kelly Jones to construct a home 45 feet from the road right-of-way. Address of the property needs to be updated to 2166 County Road 74, Marshall, MN 56258 on all documents. Legal Description on the Public Notice was correct.

VOTING FOR : VanOverbeke, Louwagie, Meulebroeck, DeBaere, Olson - Motion carried. No opposition, abstained or absent.

PLANNING COMMISSION:

Louwagie: Reads CUP request from Finley Engineering – Woodstock Communications

A REQUEST HAS BEEN MADE to the Lyon County Planning and Zoning Administrator by Finley Engineering Company – Woodstock Communications for a Conditional Use Permit to construct a new 300' guyed broadband communication tower. The area affected is zoned agricultural. The proposed tower to be located on a leased parcel of land owned by Suzanne Hahn Trust and described as follows:

All that part of the Southwest Quarter of the Northwest Quarter in Section 3, Township 110 North, Range 40 West, Amiret Township, Lyon County, MN. Parcel # 01-003001-0.

Biren: Introduces Beth Ann Winter – Finley Engineering. Proceeds to explain project. Tower provides access to wireless internet to customers within a 6-7 mile radius. High need for customers that are working from home and children doing school from home.

Louwagie: Any other questions? Open the floor to public comment. VanOverbeke commented on location in proximity of the airport. Red light will support flights coming into Marshal/Tracy from that area and meets the FCC/FAA permits.

Biren: Township board of Amiret had no comment. No other public comments.

Louwagie: Closes public comment. Moves to finding of facts. Board discussed and considered all findings of facts.

Biren: Read proposed motion - to recommend to the Lyon County Board of Commissioners to grant a Conditional Use Permit to Finley Engineering Company – Woodstock Communications for a Conditional Use Permit to construct a new 300' guyed broadband communication tower. The area representing the request is zoned agricultural and described as:

All that part of the Southwest Quarter of the Northwest Quarter in Section 3, Township 110 North, Range 40 West, Amiret Township, Lyon County, MN. Parcel # 01-003001-0.

With the following stipulations:

1. Site may be inspected to ensure compliance of all applicable regulations.
2. Must follow Article 20 Towers as stated in the Lyon County Zoning Ordinance.
3. Site must be kept clean (weeds controlled).
4. Must receive FCC/FAA permits prior to applying for a building permit.
5. Base of the tower will be fenced with a six foot (6') galvanized steel chain link fence.
6. Future building permits will be reviewed and shall meet the requirements of the County Zoning Ordinance.
7. Must apply for and sign driveway access with an E-911 address.
8. No material alterations to the physical aspects of project without approval of another Conditional Use Permit.
9. If location change is made from plans submitted, an accurate survey showing location of the tower to be submitted prior to obtaining a building permit.
10. Woodstock Communications, its assignees or co-locations/carriers do not use the tower for one year, Woodstock Communications is responsible to remove the tower and equipment compound.
11. Lighting – red lights for FAA purposes at night and during the day there will be a medium intensity white strobe light.
12. Adopt Findings of Fact as part of this motion.
13. A copy of the County Board of Commissioner's Motion shall be filed with the County Recorder's Office along with the legal description and address of the property. Additional fees to be paid by the applicant for the actual costs incurred by the County for the recording fees.

Other/Special Conditions:

VanOverbeke moved, seconded by Olson to recommend to the Lyon County Board of Commissioners to grant a Conditional Use Permit by Finley Engineering Company – Woodstock Communications for a Conditional Use Permit to construct a new 300' guyed broadband communication tower.

VOTING FOR: Louwagie, VanOverbeke, DeBaere, Olson, Meulebroeck

OPPOSED: None

ABSTAINED: NONE

ABSENT: NONE

Biren: Reads CUP request from Brad Peterson, operator and Brian & Julie Peterson, owners

A REQUEST HAS BEEN MADE to the Lyon County Planning and Zoning Administrator by Brad Peterson, operator and Brian & Julie Peterson, owner, 2718 US Hwy 14, Garvin, MN 56132 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 is 1320'. The land is zoned agricultural and described and located as the following:

The Southwest Quarter (SW 1/4) of Section Fourteen (14) Township One Hundred Nine (109), Range Forty-one (41), Custer Township, Lyon County, MN

The Proposed Facility to Consist of:

(New) Wean to Finish Swine (3,300 x.3 animal factor) = 990 Animal Units

Type of Building:

(new) Approximately 122'7" x 220' Confinement Barn with 8' deep below the barn concrete manure pit.

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

The Total Animal Unit Capacity = 990 Animal Units

Biren: Introduces Brad Peterson, proceeds to explain project. Talked about the barn and the land surrounding the barn will be used for manure application along with land across the road. Will be drilling a new well, barn will be tunnel ventilated.

VanOverbeke asked what size the swine are. Peterson responded with coming in at 20 pounds and leave at 300 pounds. Central Crop Consulting will be working with Peterson on Nutrient Management. Dead animal disposal will be within a concrete barrier and rendering.

Olson asked about soil borings. Peterson responded with - They haven't been completed yet, but will be done and there is room for adjustments.

Louwagie: Any other questions? MN Dot had expressed concern with a separate driveway along a US Highway 14 and Petersons have talked with MN Dot.

Biren: Township board of Custer agrees with request. Graupmann mentioned other feedlot with driveway from previous feedlot and concerns. Highway 14 is rated different than MN Highway 23 and MN Dot has talked with Petersons.

Louwagie: Closes public comment. Moves to finding of facts. Board answered yes to all findings of fact.

Biren: Read proposed motion - to recommend to the Lyon County Board of Commissioners to grant a Conditional Use Permit to Brad Peterson, operator and Brian and Julie Peterson, owners to construct 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%. The land is zoned agricultural and described as:

The Southwest Quarter (SW 1/4) of Section Fourteen (14) Township One Hundred Nine (109), Range Forty-one (41), Custer Township, Lyon County, MN

The Proposed Facility to Consist of:

(New) Wean to Finish Swine (3,300 x.3 animal factor) = 990 Animal Units

Type of Building:

(New) Approximately 122'7" x 220' Confinement Barn with 8' deep below the barn concrete manure pit.

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

The Total Animal Unit Capacity = 990 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.

Meulebroeck moved, seconded by Olson to recommend to the Lyon County Board of Commissioners to grant a Conditional Use Permit by Brad Peterson, operator and Brian and Julie Peterson, owners to construct 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.

VOTING FOR: Louwagie, Olson, DeBaere, Meulebroeck

OPPOSED: VanOverbeke

ABSTAINED: NONE

ABSENT: NONE

Biren: Reads CUP request from Carr Farms Partnership, owner and Tolk Graveling, LLC, contractor.

A REQUEST HAS BEEN MADE to the Lyon County Planning and Zoning Administrator by Carr Farms Partnership, owner and Tolk Graveling, LLC, contractor for a Conditional Use Permit request to process sand and gravel. The area representing the request is zoned agricultural.

The land is owned by Carr Farms Partnership and described as follows:

The Northeast Quarter (NE 1/4) of Section Twelve (12), Township One Hundred Ten (110) North, Range Forty-three (43) West, Lyon County, Minnesota

Biren: Introduces Bob Tolk. Proceeds to explain project.

Louwagie: Any other questions? Louwagie asks how many acres. Tolk responds with 5-6 acres. VanOverbeke asks to have Biren explain more about the gravel pit. Haul roads will be maintained. Coon Creek keeps track of the maintenance on the road. Gravel will used to maintain roads. Operation typically from 7 a.m. to 7 p.m. Open the floor to public comment

Biren: Township board of Coon Creek agrees with request. No other public comments.

Louwagie: Closes public comment. Moves to finding of facts. Board answers yes to all findings of fact.

Biren: Read proposed motion to recommend to the Lyon County Board of Commissioners to grant a Conditional Use Permit to Carr Farms Partnership, owner and Tolk Graveling, LLC, contractor to process sand and gravel. The area representing the request is zoned agricultural and described as:

The Northeast Quarter (NE 1/4) of Section Twelve (12), Township One Hundred Ten (110) North, Range Forty-three (43) West, Lyon County, Minnesota

Conditional Use Permit will be reviewed annually.

With the following stipulations:

1. Conditional Use Permit is granted for 40 acres or the life of the operation whichever is less.
2. Top soil will be stockpiled and used for reclaiming and leveling.
3. Reclaiming and leveling of land is to be done as work progresses.
4. Grade site after extraction is completed so as to render it usable, seeding required avoiding erosion and an unsightly mar of the landscape.
5. Must maintain a backslope of 4:1 or flatter.
6. Responsible for maintenance on roads that trucks will be hauling on.
7. Responsible for dust control on haul roads.
8. Haul roads designated as: 180th Street to 210th Street to County Rd 15.
9. Owner must notify Lyon County when work is complete.
10. Must obtain permits from appropriated agencies.
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.

Meulebroeck moved, seconded by VanOverbeke to recommend to the Lyon County Board of Commissioners to grant a Conditional Use Permit to Carr Farms Partnerships, owner and Tolk Graveling, LLC, to process sand and gravel.

VOTING FOR: Louwagie, Olson, DeBaere, Meulebroeck, VanOverbeke

OPPOSED: None

ABSTAINED: NONE

ABSENT: NONE

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

Board of Adjustments/Planning Commission
Chair

John Biren, Lyon County P&Z Administrator