

MINUTES-PLANNING COMMISSION/BOARD OF ADJUSTMENTS MEETING

Tuesday, June 11, 2024 7:00 P.M. COMMISSIONERS ROOM, LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN.

MEMBERS PRESENT: DeBaere, Louwagie, Sleiter, Olson, Meulebroeck

OTHERS PRESENT: Biren, Crowley, Doug Loyson, Dan & Arlene Markell

ABSENT: None

Olson opened the meeting at 7:01 p.m.

All present recited the Pledge of Allegiance

Identify any conflicts of interest: None

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

Election of 2024 Officers for Chairman and Vice Chairman – Meulebroeck moved, seconded by DeBaere to approve the election of Carolyn Olson for 2024 Chairman. All in favor, motion carried. DeBaere moved, seconded by Meulebroeck to approve the election of Cody Sleiter for 2024 Vice Chairman. All in favor, motion carried.

Minutes for the March 12, 2024 meeting reviewed. Louwagie moved, seconded by Sleiter to approve the minutes as presented. All in favor motion carries.

BOARD OF ADJUSTMENTS: None

PLANNING COMMISSION:

Biren - Reads Conditional Use Permit for Doug Loyson for Manure Storage Basin Conditional Use Permit.

A REQUEST HAS BEEN MADE to the Lyon County Planning and Zoning Administrator by Doug Loyson, Owner/Operator of Loyson Farms Inc., 1967 330th Street, Ghent, MN for a Conditional Use Permit request for a manure storage basin and to hear public comment to fulfill Minnesota Statutes 116.07 subd. 7 (a). The land is zoned agricultural. The land is explained and described as following:

All that property in the West One-half of the Northeast Quarter (W 1/2 NE 1/4) of Section Nine (9) in Township One Hundred Twelve (112) North of Range Forty-two (42) West of the Fifth Principal Meridian, Lyon County, Grandview Township, Minnesota.

Existing Buildings:

The current 995 animal units consist of Beef Slaughter Cattle. There will be no change in animal units.

1) 120'x180' Total Confinement Barn

(1) 60' x 120' Partial Confinement Barn with Open Lots

(1) 70' x 96' Partial Confinement Barn with Open Lots

Manure Storage Area - Manure Pack - Confinement Barn and Open Lots

The Proposed Manure Storage Basin to Consist of:

One, 806,500 Gallon Liquid Manure Earthen Basin Storage

Location: 1967 330th Street, Ghent, MN

Biren introduces Loyson and explains project to the Board –The proposed project is for a Liquid Manure Earthen Basin Storage is in Grandview Township, Section 9, Biren pulls up map and shows 1/4- and 1/2-mile setbacks.

Loyson – Where the lagoon would go it is currently open lots and have run off. I am trying to contain it. Right now the runoff would go further south. Rather than letting it get into the waterways, trying to get in complete compliance. Possibly expanding within a year.

Biren – This meeting is covering the Zoning Commission and Feedlot requirements. Our purpose is to cover the use and the MPCA would permit the design and approval. Any questions from the Board?

Olson – So the total confinement barn – do you have to clean that out or is it slats?

Loyson – I have to clean out barns and lots.

Olson – This basin would hold all of the liquid from all barns?

Loyson – Yes, supposed to be a years' worth of storage. Working with Centrol.

Olson – Any other questions?

Biren – As part of the feedlot application, there is a detailed manure management plan that will be part of the Feedlot permit. Please tell us how you get rid of your manure.

Loyson – In the winter, we spread on frozen ground. In the spring, I stockpile in different fields and then apply and work in the fall.

Olson – Will this eliminate having to put on in the winter? Or will you still be doing that?

Loyson – I will still be doing that still.

Louwagie – Would you clean this basin out?

Loyson - Yes, it is pretty much going to be brown water, but will still be applied. Can tell on the map where it runs out of the yards now.

Biren - Couple of questions. What do you use for water

Loyson – I have wells.

Biren – Dead animal disposal?

Loyson – Compost

Olson – we have had manure basins for hogs – this will be fenced off? The safety aspect is there?

Loyson – yes

Olson – any other questions? Any from the other guests?

Arlene Markell – You said you had one – did anyone ever complain about smell?

Olson – no – there was a crust that formed on the top of ours and there wasn't a lot of smell. The trees protected where we had ours located. The amount of manure isn't going to change right now. It won't increase.

Loyson – yes, I'm just trying to contain it right now.

Markell – When you expand are you going to build another one to accommodate your expansion?

Loyson – if we expand – we are looking at a deep cattle pit.

Markell – Right now we smell turkey manure, pig manure, cattle manure, high transmission power lines in our backyard, very seldom can we sit in or back yard and not have a smell. Nothing against our neighbor, but just wanted some answers.

Olson – from someone that has hog barns. I am not sure if this will change the amount of order, but could change the amount of bugs and will be a ground water quality issued. It will be contained, not run off. It makes sense of what he is doing. Any other questions?

Biren – the County has gone so far as Ag District properties that there are acceptable nuisances with odor. If you live in the ag district, there will be neighbors that have the ability to have animals. We utilize the odor offset model. It can be difficult, because the lagoons from Ghent and other feedlots are in the area.

Markell – Just curious, prevailing winds in SW in the summertime and we are right there

Loyson – Do you think you have smelled mine before – its like 4 or 5 miles away.

Markell – It's kinda like hotdish, it all blends together and can't tell what kind it is. Roaring of high transmission lines – Any of you that are in favor of them can come and listen to them.

Olson – I've got one

Markell – How close?

Olson – very close – when I go to get the mail, my hair will stick up on the back of my neck

Markell –Add 4 or 5 more lines to that? You keep approving them!

Olson – Unfortunately that is out of our hands. Because I would have an opinion

Meulebroeck – I think everyone on the board would have an opinion and agree with you. It is up to the State.

Olson – that is the unfortunate time that we are in, state mandates from the public utilities commission – as a county we don't have jurisdiction

Markell – 5 members are on the Public Utilities Commission are all selected by the Governor, we don't have a chance, so vote right next time around

Biren – I appreciate your comments, and this board has done a lot of work on renewables, solar, power lines and it's a tough ,we all use electricity and it needs to get there somehow. Over a certain threshold goes through the state and our local ordinances are preempt. I would be glad to have a conversation with you and go over that.

Markell – are these rules or laws?

Biren – Its and act – its legislative power

Markell – so much is forced on us – we basically have no say in it – I don't know why on a local level why people aren't speaking up. It is wrecking our landscape – we keep letting them get by with it. That is why we elect commissioners and elected boards. So, they have a say in it. They have the power to do something about it.

Biren – This board did enact a policy and the County Board supports it, we told them before we see an application we need \$200,000 in cash per megawatt and we haven't had any more applicants.

Olson – General Farm organizations have been voicing their opinions, commodity groups – they are at the capital and trying to make sure that farmers aren't targeted that the property is just easy to take. Groups are trying, the way the rules are written, smaller boards don't have the jurisdiction over those bigger projects. Until things changes, elections, etc. There won't be a massive change. This board doesn't have anything that we can do. We have been firm, we have talked through application, prime farmland out of acres. Only so much we can do. Our authority is to advise to the Commissioners. The commissioners are good at listening to our opinions, but their hands are tied on what they are able to or not able to do. Gary is our liaison would very fairly represent us with the commissioners. Advisory and recommendations are what we can do.

Markell – As far as the commissioners go, can they come up with a plan with other county commissioners to do something about this.

Olson – Our commissioner’s look out for our county and farmers in our area. I appreciate your comments and that you are trying to learn, we need to get back to the purpose.

Crowley – Even the commissioners can’t do as much.

Board goes through the findings of fact and agrees with the findings. Moves onto motions and makes changes to the conditions.

Sleiter moved, seconded by DeBaere to recommend to the Lyon County Board of Commissioners to grant a Conditional Use Permit to by Doug Loyson, Owner/Operator of Loyson Farms Inc., 1967 330th Street, Ghent, MN for a manure storage basin. The area representing the request is zoned agricultural and described as:

All that property in the West One-half of the Northeast Quarter (W 1/2 NE 1/4) of Section Nine (9) in Township One Hundred Twelve (112) North of Range Forty-two (42) West of the Fifth Principal Meridian, Lyon County, Grandview Township, Minnesota.

Conditional Use Permit will be reviewed annually.

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.
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 must be applied in accordance to the manure management plan on file with the MPCA.
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. 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.

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

OPPOSED: None

ABSTAINED: None

ABSENT: None

DATED: June 11, 2024

Motion to adjourn by Sleiter second by Louwagie. All in favor, motion carried.

Board of Adjustments/Planning Commission
Chair

John Biren, Lyon County P&Z Administrator