

MINUTES - PLANNING COMMISSION/BOARD OF ADJUSTMENT MEETING

TUESDAY, JUNE 8, 2010, 7:00 P.M., COMMISSIONER'S ROOMS, LYON COUNTY GOVERNMENT CENTER, MARSHALL, MINNESOTA

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

PLEDGE OF ALLEGIANCE TO THE FLAG

AMEND/APPROVE AGENDA – Biren add Upcoming Meetings. Motion by Vroman, seconded by Nassif to approve agenda. All voted in favor. Motion carried.

CORRECT/APPROVE MINUTES OF THE MAY 11, 2010 MEETING – Motion by Vroman, seconded by Buesing to approve minutes as presented. All voted in favor. Motion carried.

BOARD OF ADJUSTMENT: None

PLANNING COMMISSION:

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

Paul Vroman, 1974 280th Avenue, Marshall, Minnesota.
West 1,025 feet of the NW1/4 of Section 13 Sodus Township

Existing Facility Consists of:

Beef Cattle, Slaughter (360 x 1.0 animal factor)	=	360 Animal Units
Beef Cattle, Cow and calf pair (24 x 1.2 animal factor)	=	29 Animal Units
Horses (6 x 1.0 animal factor)	=	6 Animal Units

Types of Buildings:

- 104'x40' Partial Confinement Barn, manure pack on lot or floor with 104'x40' Open Lot without Runoff Controls, manure pack on lot or floor
- 54'x32' Partial Confinement Barn, manure pack on lot or floor
- 60'x24' Partial Confinement Barn, manure pack on lot or floor with 70'x22' Open Lot without Runoff Controls
- 262'x245' Open Lot without Runoff Controls, manure pack on lot or floor

The Proposed Facility Consist of:

Beef Cattle, Slaughter (360 x 1.0 animal factor)	=	360 Animal Units
(new) Beef Cattle, Slaughter (600 x 1 animal factor)	=	600 Animal Units
Beef Cattle, Cow and calf pair (24 x 1.2 animal factor)	=	29 Animal Units
Horses (6 x 1.0 animal factor)	=	6 Animal Units

Types of Buildings:

(new) 330'x100' (approximately) Total Confinement Barn, manure pack on lot or floor

- 104'x40' Partial Confinement Barn, manure pack on lot or floor with 104'x40' Open Lot without Runoff Controls, manure pack on lot or floor
- 54'x32' Partial Confinement Barn, manure pack on lot or floor

60'x24' Partial Confinement Barn, manure pack on lot or floor with 70'x22' Open Lot without Runoff Controls

~~262'x245'~~ Open Lot without Runoff Controls, manure pack on lot or floor (**eliminating 190'x245' of Open Lot without Runoff Controls, manure pack on lot or floor**)

(remaining) 72'x245' Open Lot without Runoff Controls, manure pack on lot or floor

Manure to be applied agronomically to crop ground when necessary.

Open lots to be cleaned every two weeks or as needed/utilize a stockpile.

The Total Animal Unit Capacity = 995 Animal Unit

Dick Vroman removed himself from Board and sat in the audience. Paul and Greg Vroman were present. Biren explained application, why change was made. First looked at spot owned by Greg, north of Paul's place. Accepted application, questioned him why not at his home farm. Was based on information he had received from an engineer, but information was on Iowa rules. Crossed out information and changed to home site. First site had no feedlot would have been new, now expanding home site. Expanding south on land, one feedlot, same parcel and same owner. Biren – initialed and dated application when changes were made. Nassif – initial all changes. Oakland – too late, has been submitted to Auditor's Office. Board reviewed Findings of Fact, attached is a copy. Biren - #4 meets setbacks. Two open lots potential problem with stream. Interim permit, two years to comply, may consult for solutions to site.

Nassif moved, seconded by Buesing to recommend to the Lyon County Board of Commissioners to grant a Conditional Use Permit to Paul Vroman 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 the West 1,025 feet of the NW1/4, of Section Thirteen (13), Township One Hundred Ten, (110), Range Forty-one (41) West, Lyon County, Minnesota, (Sodus Township).

Existing Facility Consists of:

Beef Cattle, Slaughter (360 x 1.0 animal factor)	=	360 Animal Units
Beef Cattle, Cow and calf pair (24 x 1.2 animal factor)	=	29 Animal Units
Horses (6 x 1.0 animal factor)	=	6 Animal Units

Types of Buildings:

104'x40' Partial Confinement Barn, manure pack on lot or floor with 104'x40' Open Lot without Runoff Controls, manure pack on lot or floor

54'x32' Partial Confinement Barn, manure pack on lot or floor

60'x24' Partial Confinement Barn, manure pack on lot or floor with 70'x22' Open Lot without Runoff Controls

262'x245' Open Lot without Runoff Controls, manure pack on lot or floor

The Proposed Facility Consist of:

Beef Cattle, Slaughter (360 x 1.0 animal factor)	=	360 Animal Units
(new) Beef Cattle, Slaughter (600 x 1 animal factor)	=	600 Animal Units
Beef Cattle, Cow and calf pair (24 x 1.2 animal factor)	=	29 Animal Units
Horses (6 x 1.0 animal factor)	=	6 Animal Units

Types of Buildings:

(new) 330'x100' (approximately) Total Confinement Barn, manure pack on lot or floor

104'x40' Partial Confinement Barn, manure pack on lot or floor with 104'x40' Open Lot without Runoff Controls, manure pack on lot or floor

54'x32' Partial Confinement Barn, manure pack on lot or floor

60'x24' Partial Confinement Barn, manure pack on lot or floor with 70'x22' Open Lot without Runoff Controls

~~262'x245'~~ Open Lot without Runoff Controls, manure pack on lot or floor (**eliminating 190'x245' of Open Lot without Runoff Controls, manure pack on lot or floor**)

(remaining) 72'x245' Open Lot without Runoff Controls, manure pack on lot or floor

Manure to be applied agronomically to crop ground when necessary.

Open lots to be cleaned every two weeks or as needed/utilize a stockpile.

The Total Animal Unit Capacity = 995 Animal Unit

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.

Discussion: Ritter – How far is Brad (Snell) to the south of you? Paul Vroman – at least ½ mile and east some too.

VOTING FOR: Nassif, Buesing, Thooft, Ludeman

OPPOSED: None

ABSTAINED: Vroman

ABSENT: None

Motion carried.

RENEWAL - CONDITIONAL USE PERMITS – JUNE:

Hilda Grieme, Mobile Home, SW1/4SE1/4, Section 29, Amiret Township. Issued: June 2008. Review annually. Biren - no problem.

Redwood River Sportsmen's Club, Firearm Shooting Range and Clubhouse, SE1/4, Section 32, Clifton Township. Issued: June 1995 (5 years). June 2005 recorded. Inspect annually. Biren – no complaints.

Lyon County, Demolition Landfill, SW1/4SE1/4, Section 18, Lyons Township. Issued: June 1995 (5 years). June 2005 recorded. Inspect yearly. Biren – construction materials, not garbage. Rock County hauls demo back loads, site used if more than they can handle. Test wells at site. No complaints, no problem.

Glenn Larson, Business – Portable Toilets/Septic Tanks, W1/2SW1/4, Section 36, Rock Lake Township. Issued: June 1995 (3 years). Not recorded. Biren - no problem, recommend renew. Motion by Nassif, seconded by Thooft to renew conditional use permit for 3 years. All voted in favor. Motion carried.

DISCUSSION – Upcoming meetings. Biren - special meeting for Red Rock Rural Waters, Jeffers, Minnesota, will be held on Wednesday, June 16th at 1:30 p.m. Bids taken, let, contractor lined up, pre-con held. Will be for individual use, in route services. Ordinance requires line to be in the right-of-way or 90' from centerline of road. They are obtaining easements to be just outside the right-of-way. Phone calls received are inquiring how to get hooked up. Setback was for road authority when regrading road if wrecked something. Variance stipulation, move at your own cost.

Biren – Rodney Stensrud on behalf of Lyon County received letter stating that floodplain maps have by approved by FEMA. Date to be adopted by is November 26th. If not done by then, cannot participate in program. Don't have copy of final maps yet. Will have hearing to change ordinance and adopt maps. Minimum standards to follow for ordinance. Will be having a staff meeting with the DNR on June 23rd to go over requirements.

Biren – working on setting up a meeting with the Department of Commerce to discuss wind ordinance. Had planned to tentatively hold it at the next County Board meeting but Goodenow is gone. Will work on setting it up and will let this Board also know as it will be held during the Commissioner's Meeting, if you would also like to attend.

Motion by Vroman, seconded by Nassif to adjourn.

Next regularly scheduled meeting is Tuesday, July 13, 2010.

Respectfully submitted,

Sander Ludeman, Chairman
Planning and Zoning/Board of Adjustments

Carol Oakland, Secretary
Planning and Zoning/Board of Adjustments