

MINUTES - PLANNING COMMISSION/BOARD OF ADJUSTMENT MEETING

TUESDAY, MAY 14, 2013, 7:00 P.M., COMMISSIONER ROOMS, LYON COUNTY GOVERNMENT CENTER, MARSHALL, MINNESOTA

MEMBERS PRESENT: Steen, Ludeman, Sturrock, Chalmers, Ritter, Anderson, Biren, Zimmer, and Olson. Thooft was absent.

Ludeman opened meeting at 7:00 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

IDENTIFY ANY CONFLICT OF INTEREST. None.

AMEND/APPROVE AGENDA. Agenda presented. No changes noted.

CORRECT/APPROVE MINUTES FROM THE April 15th, 2013 MEETING.

Sturrock requests an amendment to the language stating that 230th Street, discussed in the Mark Meulebroeck setback variance, is a county road rather than a township road. Motion made by Chalmers, seconded by Steen. All in favor, motion carries.

BOARD OF ADJUSTMENT: None

PLANNING COMMISSION:

CONDITIONAL USE PERMIT/PUBLIC HEARING:

1. Public Hearing, Chris Nibbe, for a conditional use permit request to construct an asphalt plant to extract and crush material. The land is described as the Southwest Quarter of Section Twelve (12), Coon Creek Township and is zoned agricultural. *Board Action-motion recommendation to County Board.* Chris Nibbe was present. Biren- Grace McChesney owns the quarter section on which the pit is located. The pit was dug in 2002 on behalf of Central Specialties. This company left some remaining piles of material in the pit. Chris has already been taking gravel out of the pit which was allowable if he was hauling to the north under Central's permit. Central's permit has expired. The issue is determining which road hauling will be allowed on. There are four pits that use 210th Street and the four homes on the road have problems with dust and need calcium chloride. All neighbors to the McChesney pit were invited to attend the meeting. Preferred route by neighbors is up 160th Avenue to the north and west on 210th Street, but this route is four extra miles of travel per load for Nibbe.

Nibbe- Ideally would like to use 200th Street for the closeness. He would put calcium chloride down and would work with the township on maintenance. Ritter

asks Nibbe if most of his hauling goes to the west. Nibbe- about half goes to west. Biren indicates the township had no problem with hauling on 200th to the east. Perry Schultz- lives along 200th street; nobody wants it to be a designated haul road. He provides signatures from two other neighbors who do not want this to be a haul road. He worked road construction for over twenty years and driving an extra mile to get to a haul road was typical, just part of the job. All of the houses on 200th street are close to the road and there would be a tremendous amount of dust, especially on windy days. Children are present in this area and hauling trucks would be very dangerous on 200th. If Nibbe uses that road, the other haulers will also follow this route over the designated haul road. There was a haul road to the northwest of McChesney's which would shorten the route by more than a mile.

Steen asks Biren to point out the location of the four existing pits to the north of McChesney's. Biren points out the other pits and highlights their owner/operators. Ludeman asks Biren to explain the maintenance agreement of a haul road. Biren- the township estimates use of the road and bills the required maintenance to the haulers based on that use. Calcium chloride is applied twice a year and is also paid for by the haulers. Sturrock asks Biren who physically applies the calcium chloride. Biren- the application is contracted out, the county does the policing to make it gets done. Chalmers clarifies that the neighbors have no objections heading east on 200th street, just west. Biren- correct, 210th street gets a lot of haul traffic already and anticipates it will have more in the future. Sturrock asks Biren if there are any plans developed for maintenance on 200th street. Biren- recommends that the aspect of maintenance of haul roads be further discussed. Sturrock asks Biren if maintenance of roadways could be added as a condition to the permit. Biren explains that the weight is the only restriction the township can place on the road.

Anderson ask Biren why not just post a speed limit sign. Biren- the township does not have authority to post speeds, that is the authority of the Minnesota Department of Transportation (MNDOT). The county has already requested a speed restriction in the past in this area but MNDOT needs more justification like more houses to change the speed. Ludeman asks Nibbe if he would be willing to use the haul road on 210th street. Nibbe- yes, I would be willing to work on maintaining 210th but it would be more convenient to go straight west on 200th. Ludeman asks Nibbe to estimate his average loads per week. Nibbe- Nothing comparable to 210th traffic, maybe four or five loads per day. Chalmers asks Nibbe to provide a rough percentage of his hauling compared to the overall hauling on 210th. Nibbe- significantly less than it has today, maybe ten percent.

Anderson asks Biren about the safety going south between 210th and 200th street. Biren stated that the county worked on improving the safety on 160th but would

unable to get landowner cooperation. Schultz- four families are affected by dust on 210th street, four more families would be affected if hauling is allowed on 200th street and other haulers would use 200th as well. Chalmers would be inclined to use existing haul road (210th) if he made a motion. Biren reads a letter from Coon Creek Township which states that they would provide a percentage of the annual road maintenance and dust control. The township recommends the haulers avoid going west on 200th street and south on 160th street due to a shallow culvert. Conditions are discussed by the board. Nibbe indicates there are no operational problems with the existing pit. Chalmers makes a motion to approve the conditional use permit with 160th street to the north and 210th street or 200th street to the east to County Road 15 being designated as haul roads. Seconded by Ludeman.

Sturrock asks Biren about condition two referring to the size of the pit and the life of the operation, two different measures. Biren explains that any quarry greater than forty acres is subject to regulation under the Environmental Quality Board. Permit is valid for the life of a given operation but awarded to an individual. In this case, the operation remains the same (gravel mining) but the permit holder is different (Nibbe). If a different operator came in, we would require they get a separate permit to mine. Anderson asks Zimmer if it would be possible to amend the existing gravel pit permits to require speed limits when they are annually reviews. Zimmer- an amendment to the permit would trigger a public review process. Schultz asks the board if the townships can post weight limits outside of the city. Anderson- correct, townships post weight. All vote in favor, motion carries.

RENEWAL - CONDITIONAL USE PERMITS – APRIL: None

RENEWAL - CONDITIONAL USE PERMITS – MAY: None

Discussion: On June 20th, the Farm Bureau will be hosting a feedlot tour in Lyon County. The tour plans to make stops at four facilities: Ben Ludeman's newly constructed hog barn, Chandler beef cattle operation, Moorse Dairy, and Olson's organic hog facility. The tour is scheduled for roughly 12:30 – 5:00 PM and transportation will be provided for those interested in attending.

Sturrock asks Biren what the minimum posting time is for a public meeting. Biren- ten days, the announcement must be in the paper prior.

Chalmers makes a motion to recess until the June 20th tour, seconded by Sturrock. All vote in favor, motion passes.

Meeting adjourned at 7:40 p.m.

Respectfully submitted,

Sandy Ludeman, Chairman
Planning and Zoning/Board of Adjustments

Luke Olson, Planning Assistant
Planning and Zoning