

## **MINUTES-PLANNING COMMISSION/BOARD OF ADJUSTMENT MEETING**

**TUESDAY, JULY 8, 2014, 7:00 P.M., ROOM 4 & 5, THIRD FLOOR, LYON COUNTY GOVERNMENT CENTER, MARSHALL, MINNESOTA**

**MEMBERS PRESENT:** Steen, Ludeman, Chalmers, Sturrock, DeCock

**OTHERS PRESENT:** Ritter, Goodenow, Biren, Zimmer, and Olson

**ABSENT:** None.

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

### **PLEDGE OF ALLEGIANCE TO THE FLAG**

**IDENTIFY ANY CONFLICT OF INTEREST.** None.

**AMEND/APPROVE AGENDA.** Sturrock motioned, seconded by Chalmers to approve the agenda. All voted in favor, motion carried.

**CORRECT/APPROVE MINUTES FROM THE MARCH 10<sup>th</sup> and APRIL 14<sup>th</sup> SPECIAL MEETINGS.** Sturrock addresses several corrections, providing further clarification. Chalmers motioned, seconded by DeCock to approve the agenda with revisions. All voted in favor, motion carried.

### **BOARD OF ADJUSTMENTS:**

#### **VARIANCE REQUEST:**

Public Hearing, Jerry Maronde have applied for a variance to move a mobile home 200 feet from a neighboring feedlot. The required setback is 1320 feet and the request for the new dwelling is an 1120 foot variance. The property is located on part of the SW1/4, Section 22, Stanley Township, Lyon County, MN. The property is zoned Agricultural.

Both Jerry Maronde and Jeremy Maronde are present. Biren explains that Jerry would like to place a mobile home on property shared in ownership between Jerry and Jeremy. The farmsite has two hog barns, occupied by Mike and Misty Alex. The two barns were split from the parcel and sold by the Maronde's in January of 2000. The property is "L" shaped and 5.4 acres in size. Biren highlights in the Zoning Ordinance that there must be a need to provide health care services.

Goodenow asks Biren if the mobile home is permanent on the site under the conditions. Biren says the conditions can be changed or added as needed, which can be addressed in the conditional use process. Jerry adds that the trailer will be moved if he passed away or goes to a nursing home. Sturrock asks if the 1320 foot setback from an existing feedlot was for odor concerns mainly. Biren says that the group who developed the ordinance put other thoughts into the setback. The State required that if counties enforce a setback from new feedlots to existing homes, then a reciprocal setback for new dwellings to existing feedlots must also be enforced.

Ludeman opens the discussion to public comment. No comments from the public. The time limit stipulation will be removed from the motion because the variance is only granted to Jerry and Jeremy Maronde. The new stipulation, the use of the mobile home shall be restricted to occupants of the property, shall be added. Motion made by Sturrock to grant a setback variance to Jerry and Jeremy Maronde, seconded by Steen. All in favor, motion carries. Biren adds that the Township did not comment and Mike Alex did not object to the idea of the mobile home.

#### **PLANNING COMMISSION:**

#### **CONDITIONAL USE PERMIT:**

Public Hearing, Jerry and Jeremy Maronde have applied for a conditional use permit to move in a mobile home, which is considered a new dwelling and subject to Lyon County Zoning Ordinance Article 15F.1(b). The property is located on part of the SW1/4, Section 22, Stanley Township, Lyon County, MN. The property is zoned Agricultural.

Biren explains that Article 15F.1(b) defines three permitted uses of a mobile home on properties zoned Agricultural: farm employment, family health care, or a special decision made by the Board of Adjustments, where the density standards must be met. Ludeman opens the discussion to public comment. No comments. Biren recommends that Jerry Maronde's letter be part of the public file. The letter explains the property split and selling to Alex's, background into Jerry's situation, and a brief explanation of the current living arrangements at Jeremy's house and the proposed use of the trailer for health care.

The letter highlights that upon Jerry no longer residing in the trailer, Jeremy will have 90 days to remove the trailer from the property. Ludeman moves to Finding of Facts. Zimmer recommends that the motion should include that upon Jerry's passing/moving to a nursing home, the structure shall be moved off of the premises within a certain amount of time. Chalmers recommends that the structure be moved in 90 days. Motion made by

Chalmers to recommend the permit be granted by the County Board, with the special condition included. Sturrock ensures that both property owners, Jerry and Jeremy, are considered applicants on the permit. Motion Seconded by DeCock. All in favor, motion carries.

Public Hearing, the Lyon County Parks Department has applied for a conditional use permit to establish a park with campsites, shower/bathroom facilities, picnic shelter, and other amenities typically provided at a county park/campground. The property is located in the SW1/4, Section 29, Shelburne Township, Lyon County, MN. The property is zoned Agricultural.

Tim Amick and Brooke Wyffels are present and representing the Lyon County Parks Department. Biren explains that Anita Benson, former Public Works Director, pursued to negotiate and purchase land adjacent to East and West Twin Lakes. A boat landing was established on East Twin shortly after by the DNR. The County has over the past four or five years been working on developing this land into a park.

Biren provides background on the process of the park development, that there were grant dollars attached to the project that needed to be spent by June of 2014. The Parks Department has applied for all applicable permitting, including the Department of Health who deal with campground health issues, Department of Labor which looks at building and electrical codes mainly, and the Pollution Control Agency which permits stormwater management, which is being covered under an active permit under the hired contractor.

Wyffels explains that 13 campsites, all with electrical hookup. The bathroom facility will be pit toilets and a water hydrant. The Department of Health has a standard for the maximum distance the hydrant can be from any one site. Further project background is provided. Chalmers asks if the parking lot is to stay gravel. Wyffels explains that the parking lot will be gravel, the pedestals and approaches for each site will be gravel, but the road will be paved.

Chalmers questions the definition of a “structure” from the ordinary high water mark of the lake, specifically the utility boxes. Biren comments that in the eyes of the DNR, the setbacks are met and the utility boxes are not considered structures. Sturrock acknowledges the reroute of Highway 51. Wyffels provides background on the reroute process of Highway 51.

Ludeman opens the discussion to public comment. LeRoy Olsen has no problem with the park. Olsen questioned if the west sites are opposite of the east in the campground, the 150 foot setback from West Twin Lake will be difficult to meet. He also explains that there is a low spot that will need to be filled in to make it enjoyable for campers, on the east side of the campsite. Amick explains the campsite orientation, which will not be problematic for meeting the 150 foot setback. Biren addressed the low spot, mentioning that Chad Magnuson with the Highway Department plans to put a stormwater pond on the east side of the park.

Carmen Christensen voices that there will be a major increase in traffic by LeRoy Olsen's, to the north of West Twin Lake. He would like the project done correctly. He states that West Twin is a non-motorized lake and questions why it was motorized many years back and no longer is. Biren explains that the County Board can regulate the motorized restrictions on lakes within the county. West Twin became non-motorized due to its clarity and water quality. The County Board adopted the non-motorized ordinance several years back.

Amick explains that the park plan highlights that East Twin is designated for boaters and fishing and West Twin is designated for non-motorized uses. Electric trolling motors are allowed on West Twin as well. Christensen says that people are going to want to use their boats if they are coming to camp. Christensen adds that the plan looks good, the public access was the main reason for him originally selling the land. A campground was not the first discussion here. He feels that the neighbors should not have to deal with increased traffic. Christensen adds that the current campground plan has the ideal amount of sites.

Security and other issues will arise with more people, but East Twin is being heavily used. Amick adds that there is a potential for surveillance. Biren received a letter from Mary Jo Bjueju, representing the LeVon Mitchell Farm, who expressed that she would like the road left as is rather than removing the stretch along West Twin. Christensen adds that it was his idea to move the road, in the long-term people will see the value, specifically the safety issue. The road will highlight West Twin and will direct people to West Twin rather than the steep banks of East Twin.

Amick explains that the frustration might be the speed limit. The speed limit on the new Highway 51 has not yet been set, but the previous limit was 30 mph. The campground loop will be 10 mph. Ron Prorock asks what the timing is for straightening out the

southern road. Wyffels responds that bidding for the project will begin the Fall of 2014. Ludeman moves to finding of facts. Ludeman asks if there will be public lighting in the campground. Amick responds that there will be lighting. Motion made by Steen, Seconded by Chalmers to recommend the permit be granted by the County Board. All in favor, motion carries.

Public Hearing, Ken Louwagie has applied for a conditional use permit to construct a new hog confinement barn approximately 210' x 102', housing 2,400 head of finishing hogs, on an existing feedlot. The proposed site is located in the SW1/4, Section 6, Monroe Township, Lyon County, MN. The property is zoned Agricultural.

Ken Louwagie is present. Ken explains that the site was bought three years ago from Andrew Laleman. A nursery hog barn was built two years ago to house 2000 nursery hogs. The finishing are is to be constructed on the same site. Biren points out that the new barn is 2220 feet away from the nearest home. There will be 820 animal units on-site. Ken Louwagie explains that his will be a tunnel ventilated barn.

Ludeman opens the discussion to public comment. Biren received several letters. Monroe Township indicated they agree with the expansion so long as Ken abides by the previous road agreement. Edward and Shannon Wolske state in their letter they strongly object to the expansion due to the hog odor. The expansion will also have an impact on the value of their property.

Margaret Barker explains in her letter that she has lived in this area for 43 years. The hog facilities have caused negative impacts, impacts which she is opposed to. The smell from the facilities limits what she can do, including hanging laundry outdoors or riding bike. The facility will negatively impacts neighbors. Laren Barker states that he has concerns over the negative impacts but does not reject the expansion request. John and Kristin Blomme explain that they are opposed the facility due to the hog confinement degrading their lifestyle here. Odor mitigation technology should be incorporated at the facility.

Ludeman moves to Finding of Facts. Chalmers asks which direction the fans will blow in the new barn. Ken says the fans will go east. Sturrock understands the concerns and wanted to know if existing nursery barn fans go to the east as well. Louwagie says nursery barn fans go to the east and west. Ludeman asks if Ken has enough land nearby to haul and apply all manure. Louwagie says he is going to have to look into it in more

detail, unsure. Motion made by Ludeman, seconded by Sturrock to recommend the permit be granted by the County Board. All in favor, motion carries.

Staff was asked at the May 2014 Planning Commission meeting to explore the options for streamlining the conditions readings during the meeting. Biren checked with several surrounding counties to determine what their process was and the majority of boards verbally read the conditions of each permit. Staff's recommendation is to keep reading the conditions as the applicant often acknowledges the conditions when read them aloud. Motion made by Chalmers, Seconded by Sturrock to adjourn at 8:25 pm. All vote in favor, motion carries.

Respectfully submitted,

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Planning and Zoning/Board of Adjustments

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Luke Olson, Lyon County Planning & Zoning