

MINUTES - PLANNING COMMISSION/BOARD OF ADJUSTMENT MEETING

TUESDAY, FEBRUARY 9, 2010, 7:00 P.M., COMMISSIONER’S ROOMS, LYON COUNTY GOVERNMENT CENTER, MARSHALL, MINNESOTA

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

PLEDGE OF ALLEGIANCE TO THE FLAG

ELECTION OF OFFICERS – CHAIRMAN AND VICE-CHAIRMAN

Chairman Nassif turned meeting over to Biren. Biren - election for the Chairman position. Motion by Vroman to elect Ludeman. Biren asked for nominations twice more. Motion by Nassif that nominations cease and to cast a unanimous ballot for Ludeman for Chairperson, seconded by Buesing. All members voted in favor. Motion carried. Meeting turned over to Ludeman. Ludeman thanked Nassif for the good job last year.

Ludeman – election for Vice-Chairman position. Motion by Thooft to elect Vroman as vice-chairman. Ludeman asked for nominations twice more. Motion by Nassif that nominations cease and to cast a unanimous ballot for Vroman for Vice-Chairperson, seconded by Buesing. All members voted in favor. Motion carried.

AMEND/APPROVE AGENDA – Motion by Nassif, seconded by Vroman to approve agenda as printed. All voted in favor. Motion carried.

CORRECT/APPROVE MINUTES OF THE JANUARY 12, 2010 MEETING - Motion by Buesing, seconded by Nassif to approve the January 12, 2010 minutes as printed. All members 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:

Mark and Beth Fischer, 1773 State Highway 19, Ghent, Minnesota, feedlot expansion and to hear public comment to fulfill Minnesota Session Law 2000 – Minn. Stat. § 116.07, subd 7 (I), 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 part of the South Half (S1/2), Section Seven (7), Lynd Township.

Existing Facility Consists of:

Swine, Between 55 and 300 pounds (900 x .3 animal factor) = 270 Animal Units

Type of Buildings:

41’x160’ Total Confinement Barn with 41’x160’ Poured Reinforced Concrete Liquid Storage Area

Proposed Facility to Consist of:

Swine, Between 55 and 300 pounds (900 x.3 animal factor) = 270 Animal Units
(new) Swine, Between 55 and 300 pounds (600 x .3 animal factor) = 180 Animal Units

Type of Buildings:

41'x160' Total Confinement Barn with 41'x160' Poured Reinforced Concrete Liquid Storage Area
(new) 60'x80' Total Confinement Barn with 60'x80' Poured Reinforced Concrete Liquid Storage Area

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

The Total Animal Unit Capacity = 450 Animal Units

Mark and Beth Fischer were present. Biren – showed photo of area, farm site and proposed barn. Lars Johansson site is 2600' from proposed barn. Current barn is on the south side of the driveway. New barn will be on the north side of driveway. Agenda had 60'x80 barn, may change how advertised in the future. Change not a big problem with barn itself, 6". Different ventilation and office. 3' added to building. 60'x83', plans do change, same project. More manure storage. MPCA not an issue, make public notice more generic. Lyon County will be issuing feedlot permit. Feedlot application, manure management plan, Lincoln and Association will be providing specifications shortly. Nassif – straight forward. Biren – reviewed odor offset. Ordinance existing feedlot ¼ mile setback, 94% Odor Offset. 94% of the time annoyance free, 6% smell. Ludeman – township comment? Oakland – approved request. Board reviewed Findings of Fact. Attached is a copy. Biren – I went over conditions with Mark, okay with them.

Nassif moved, seconded by Vroman to recommend to the Lyon County Board of Commissioners to grant a Conditional Use Permit to Mark and Beth Fischer, 1773 State Highway 19, Ghent, Minnesota, for a feedlot expansion and to hear public comment to fulfill Minnesota Session Law 2000 – Minn. Stat. § 116.07, subd 7 (1), 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 part of the South Half (S1/2), Section Seven (7), Lynd Township.

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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'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: Nassif, Vroman, Buesing, Thooft, Ludeman

OPPOSED: None

ABSTAINED: None

ABSENT: None

Motion carried.

RENEWAL - CONDITIONAL USE PERMITS – FEBRUARY:

Jeff Kirk – Mobile Home, NE1/4 SE1/4, Section 15, Shelburne Township. Issued: February 1992 (3 years). Not recorded. Biren – Jeff has not lived in mobile home for some time. John Kirk owner, Mike Anderson living in mobile home, family friend. Pays no rent, keeps place up. Renew for one year. John Kirk lives in Texas, 5-10 years move back, retire and build a home there. Vacated by person living there, will move mobile home. Renew for one year with that stipulation. Motion by Nassif, seconded by Thooft to renew for one year with stipulation that if mobile home is vacated by person living there, mobile home to be removed. Ritter – septic system put in 1992? Still working? Biren – don't know, assume put in 1992. Vroman – how many living in mobile home? Biren – one person and one dog. If system was put in 1992 would meet code today. Ritter - check on, assumption that it was done. All members voted in favor. Motion carried.

OTHER: Updated Lyon County Zoning Ordinance Finish inserts at March meeting.

March meeting to be held on Thursday, March 11th.

Board – March agenda items? Biren – one variance application, possibly another variance and a commercial butcher shop in the highway commercial zone, 20 animals a week, more during deer season. Working on a septic system design to treat water, add air, aerobic situation/break down. Also, working on some utility updates. Wind ordinance, spoke with Deborah Pile, offered to do a session with several counties. RDC and Public Utilities looking at putting on workshop. Pipestone, Freeborn, Dodge and Nicollet counties same issues, multi county session.

Motion by Thoof, seconded by Buesing to adjourn meeting.

Sander Ludeman, Chairman
Planning and Zoning/Board of Adjustments

Carol Oakland, Secretary
Planning and Zoning/Board of Adjustments