

MINUTES - PLANNING COMMISSION/BOARD OF ADJUSTMENT MEETING

TUESDAY, MAY 11, 2010, 7:00 P.M., COMMISSIONER'S ROOMS, LYON COUNTY GOVERNMENT CENTER, MARSHALL, MINNESOTA

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

PLEDGE OF ALLEGIANCE TO THE FLAG

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

CORRECT/APPROVE MINUTES OF THE APRIL 13, 2010 MEETING – Motion by Nassif, seconded by Thooft to approve minutes as presented. All voted in favor. Motion carried.

BOARD OF ADJUSTMENT: None

PLANNING COMMISSION:

Public Hearing, Soil Science Properties, LLC (c/o Ronald Hefty) for a Conditional Use Permit Request for a rural-oriented commercial use to operate a business (seed, fertilizer and chemical sales). The area representing the request is zoned agricultural. The property is described as part of the W1/2NW1/4 of Section 26, Fairview Township. Ronald Hefty, Dennis and Russ Louwagie were present. Biren went through power point presentation. Attached is a copy. Will be purchasing approximately 6 acres just north of Midwest Contracting, along Highway 23. Yellow line in slide #2 is road right-of-way. #3 is looking north from Midwest's parking lot. Ottertail lines are on private property. #4 is looking south from north of property, agricultural district. Slide #5 drainage controversy over years, future problems will be between Hefty Seeds and Louwagies. Slide #6 future growth. 130' setback from road right-of-way. 60-66 feet enough room for potential future frontage road. Powerlines have easement. Biren read email from Geri Vick, MNDOT, attached to minutes is a copy of comments. Vroman – incentive for 60' to give up land? Biren – look no different than farm land until built, sell off more land. Access for properties, road continue, not to set up a future mess in this area. Vroman – anything for 60'? Hefty – I'm buying it, easement so can go through. 66' will never be able to use, part of cost of doing business. Ritter – zoned commercial some day? Biren – highway commercial, yes. Ritter – contiguous. Hefty – land worth less until rezoned. Biren – ag more restrictive, good for rural business like this. Ritter – CUP allowed, County Board goes along with this not limiting Louwagies for future commercial zoning to the north? Biren – public process, no impact what doing tonight. Ludeman – powerlines problem with future road? Biren – 15' easement for powerlines, easterly side of easement. Spoke with Tom Belmont with Ottertail, no issue. Thooft – 2 buildings to be put up? Hefty – two separate buildings and other structures, bins. Biren – permitted use, seed treatment bins, bulk bins. Oakland – Fairview Township approved of request. Board reviewed Findings of Fact. Attached is a copy. Motion, discussed stipulation #6. Hefty - not planning to do a survey. Will be a legal description of property. Delete wording for a survey from stipulation #6 of motion.

Nassif moved, seconded by Buesing to recommend to the Lyon County Board of Commissioners to grant a Conditional Use Permit to Soil Science Properties, LLC (c/o Ronald Hefty) for a rural-oriented commercial use to operate a business (seed, fertilizer and chemical sales). The area representing the request is zoned agricultural. The property is described as all that part of the W1/2 NW1/4, Section 26 of Fairview Township. With the following stipulations:

1. Conditional Use Permit will be reviewed annually.
2. Site must be kept clean (weeds controlled).
3. Business sign permitted according to zoning ordinance.
4. Septic system to be designed and installed by an approved contractor and inspected by Lyon County.
5. Must apply for and sign driveway access with an E-911 address.
6. Copy of the recorded deed to be submitted to the Planning and Zoning Office prior to issuing a land use permit.
7. Must abide by Minnesota Department of Agricultural and Minnesota Pollution Control Agency guidelines.
8. Access is to be approved by road authorities.
9. A six foot chain linked fence with an angled top will be placed on the property (around the buildings) for security.
10. If business is inactive for one year, Conditional Use Permit will be revoked.
11. Adopt Findings of Fact as part of this motion.
12. A copy of the Lyon 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.

VOTING FOR: Nassif, Buesing, Thooft, Vroman, Ludeman

OPPOSED: None

ABSTAINED: None

ABSENT: None

CONDITIONAL USE PERMIT/PUBLIC HEARING – MINNESOTA SESSION LAW 2000 – MINN. STAT. §116.07, SUBD. 7(I), FEEDLOT: None

RENEWAL - CONDITIONAL USE PERMITS – MAY: None

DISCUSSION:

Revision to Comprehensive Plan, Section VI, Transportation – Trails . Biren – Park director and Mark Goodenow brought this forward. County Board has adopted trail plan. Future funding available through Legacy dollars want to be ready. Trail Plan part of Comprehensive Plan done in 2002, 8 years ago. Start looking at current plan, look at changes in land uses and potential changes. When updated, incorporate newly adopted trail plan then. Future trails in SW Minnesota. Existing plans, water plan, 5 year transportation plan, utilize what we have already. Staff review, note land use changes. Vroman – proposed trails? Oakland – page 29 shows where they are being proposed. Nassif – use old railroad trails ideal. Ludeman – look at potential problems and changes for Comprehensive Plan. Biren – When Comp Plan done, Highway 23 controlled access, issue of development outside of city limits, where uses are compatible and where they could go. Vroman – very expensive to construct trails, don't have a lot of money. Ritter – grant process (DNR), right-of-way for trails, cost of on-going maintenance once constructed. Nelson – at a time when we cannot keep up county roads. Ludeman – Legacy dollars designated for trails, doesn't hurt to be ready,

might work out. Biren – future projects. Trail plan not something have to incorporate in Comp Plan right away, have some time.

Review of Wind Development and Land Use Meeting – held April 26th in Redwood Falls. Biren handed out a copy of the notes received from Annette Bair. Attached is a copy. Good attendance from Lyon County. Power point Biren went through is also attached. Highlight from meeting: when we took over delegation, state had to pay attention to our ordinance, that has changed. If rescind delegation, would want in writing that the state will still implement county ordinance. Discussion. Ludeman – Riddlemoser do you have comments? Riddlemoser – I am on the agenda for the County Board meeting next week. Information that I will be presenting to them, share with you so not a surprise to this Board. Will address some of the issues. Information attached. Discussion. Ritter –would like to talk with Deborah Pile. Biren – will call her to see what can be set up. Ludeman – no action, take under advisement.

Ritter – how is feedlot inventory coming? Biren – close to half done. Have another year to complete.

Meeting adjourned by Nassif, seconded by Vroman.

Respectfully submitted,

Sander Ludeman, Chairman
Planning and Zoning/Board of Adjustments

Carol Oakland, Secretary
Planning and Zoning/Board of Adjustments