

MINUTES-PLANNING COMMISSION/BOARD OF ADJUSTMENTS MEETING

Tuesday, August 13, 2019 at 7:00 P.M., COMMISSIONERS ROOM, LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN.

MEMBERS PRESENT: DeCock, Louwagie, Steen, VanOverbeke

MEMBERS ABSENT: Williams

OTHERS PRESENT: Crowley, Ritter, Springstead, Biren, Dane Meyer, Shelly Meyer, Cullen Kobayashi, Doug Kass, and Gary Kass.

Chair DeCock opened the meeting at 7:00 p.m.

The Pledge of Allegiance was recited by all

Chair DeCock asked to identify any conflicts of interest – None

AMEND/APPROVE AGENDA: Steen moved, seconded by VanOverbeke to approve the agenda as presented. All in favor, motion carried.

Minutes from May 14, 2019 meeting were reviewed, VanOverbeke moved, seconded by Steen to approve minutes as presented. All in favor, motion carried.

BOARD OF ADJUSTMENTS

Dane Meyer, public notice read into record. No public comments from Township, Highway Engineer or Neighboring Properties.

A VARIANCE REQUEST has been received by the Lyon County Planning and Zoning Administrator by Dane Meyer, 3217 County Road 10, Cottonwood, MN 56229 to replace a garage damaged by fire, 58 feet from the road right of way. The required setback is 100 feet from the road right of way. This request represents a 42-foot variance.

The land is zoned Agricultural and is described as: Part of the Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4) of Section Eleven (11), Township One Hundred Thirteen (113), Range Forty (40) Lucas Township, all located in Lyon County, Minnesota.

Steen asked Meyer if the garage is going to be the same size. Meyer replied that it will be 16 feet bigger.

Findings of Fact were developed.

Louwagie moved, seconded by VanOverbeke to grant a variance to replace a garage damaged by fire, 58 feet from the road right of way. The required setback is 100 feet from the road right of way. This request represents a 42-foot variance.

With the following stipulations:

1. That if any of the work performed as allowed by the granting of this variance is ever impacted or required to be removed, the cost of such impact shall be borne by the landowner, including removal and/or relocation of property and facilities.
2. Must obtain a building permit prior to construction.

3. The purpose of which the variance was granted shall be undertaken by the applicant within 18 months of the granting of the variance. For good cause, the Zoning Administrator may grant an administrative extension of up to 12 months. Said extension shall be in writing. If the applicant fails to establish use of the variance within said time limits, the variance shall expire.
4. Adopt Findings of Fact as part of Motion.
5. A copy of this 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.

PLANNING COMMISSION

USS Kass Solar LLC, public notice read into the record. No public comments from Township or Neighboring Properties.

A REQUEST HAS BEEN MADE to the Lyon County Planning and Zoning Administrator by USS Kass Solar LLC (Applicant) for a Conditional Use Permit (CUP) as regulated by the Lyon County Zoning Ordinance. The Project is referred to as the Kass Community Solar Garden. The project's peak production will be approximately 1-megawatt. The project will be located on approximately 9.3 acres of a 116-acre parcel in Monroe Township. The area representing the request is zoned agricultural. The affected properties are described as follows:

The Northeast Quarter of the Southwest Quarter, and the South Half of the Southwest Quarter, all in Section 20, Township 109 North, Range 40 West, EXCEPT the following property: All that part of the Southwest Quarter of Section 20, Township 109 North, Range 40 West of the Fifth Principal Meridian, bounded by the following described lines: Commencing at the Southwest corner of Section 20, Township 109 North, Range 40 West; thence easterly along and upon the South section line of said Section 20 on an assumed bearing of North 90 degrees 00 minutes East for a distance of 1122.28 feet to the point of beginning; thence continuing easterly on an assumed bearing of North 90 degrees 00 minutes East for a distance of 370.72 feet; thence North 00 degrees 00 minutes East for a distance of 470.00 feet; thence North 90 degrees 00 minutes West for a distance of 370.72 feet; thence South 00 degrees 00 minutes West for a distance of 470.00 feet to the point of beginning and thereto terminating. Lyon County, Minnesota.

Findings of Fact were developed.

VanOverbeke moved, seconded by Steen to recommend to the Lyon County Board of Commissioners grant a Conditional Use Permit by USS Kass Solar LLC (Applicant) for a Conditional Use Permit (CUP) as regulated by the Lyon County Zoning Ordinance. The Project is referred to as the Kass Community Solar Garden. The project's peak production will be approximately 1-megawatt.

With the following stipulations:

1. Conditional Use Permit to be reviewed as needed.
2. The Applicant shall comply with all governmental laws, rules and regulations as they apply to the project at the time of granting the conditional use permit. If any local, state, or federal permits

are required prior to commencement of construction of the project, a copy of those permits must be submitted to the Lyon County Planning & Zoning Office before operation can begin.

3. All solar farm components and accessory facilities shall be removed within one year of the discontinuation of use/operation as per the decommissioning plan submitted by USS Kass Solar LLC.
4. Prior to the start of construction, a land use permit for any structures as defined by the Lyon County Zoning Ordinance shall be obtained from the Lyon County Zoning Office. Changes made to the original application shall be noted on the land use permit. Zoning Administrator shall review the condition of the road with a township official and a representative from USS KASS Solar prior to construction and after completion of construction to ensure the satisfactory condition of the road.
5. The Applicant must notify Lyon County prior to starting and when construction is complete.
6. Adopt Findings of Fact as part of Motion.
7. 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.

All voted favor, motion passed.

**Amendment to change wording in Stipulation #4 to include: Zoning Administrator shall review the condition of the road with a township official and a representative from USS KASS Solar prior to construction and after completion of construction to ensure the satisfactory condition of the road. VanOverbeke moved, seconded by Steen to approve the amendment. All in favor, motion passed.

Steen moved second by Louwagie to adjourned meeting. All the voted in favor.

Respectfully submitted,

Bernie DeCock, Planning Commission

John Biren, Lyon County Planning & Zoning