

MINUTES-PLANNING COMMISSION/BOARD OF ADJUSTMENTS MEETING

Tuesday, April 13, 2021– 7:00 P.M. COMMISSIONERS ROOM, LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN. Due to the COVID 19 Virus, the meeting offered a call in option for board members and participants.

MEMBERS PRESENT: Louwagie, DeBaere, VanOverbeke, Meulebroeck, C. Olson

OTHERS PRESENT: Biren, Cauwels, Springstead, Graupmann

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

All present recited the Pledge of Allegiance

Identify any conflicts of interest: DeBaere abstain from Barrels & Arrows CUP

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

Minutes for the March 9, 2021 meeting reviewed, VanOverbeke moved, second by Meulebroeck to approve the minutes as presented. All in favor motion carries.

BOARD OF ADJUSTMENTS: None

PLANNING COMMISSION:

Louwagie: Reads CUP request from Barrels and Arrows – Bonnie Heintzeman and Justin Richards

A REQUEST HAS BEEN MADE to the Lyon County Planning and Zoning Administrator by Bonnie Heintzeman, owner and Justin Richards, owner/operator – Barrels and Arrows, for a Conditional Use Permit Request to operate a Gunsmithing/Archery Services Business. This is an extended home occupation. The area representing the request is zoned agricultural. The property is described as follows:

The Southeast Quarter (SE 1/4) of Section Twenty (20) Township One-hundred twelve (112) N Range Forty-one (41) W Fairview Township, Lyon County, MN

Biren: Introduces Bonnie Heintzeman and Justin Richards. Proceeds to explain project.

Louwagie: Any other questions?

VanOverbeke: Asks Heintzeman about business expansion and employees.

Heintzeman: Responds that they need a larger area, they are running out of space and employe 6 employees.

Graupmann: Asks about signage.

Biren: Responds about observing ordinance regulations and Condition number 5.

Heintzeman: There are 2 signs currently, one from the south and one right in front of the building.

Springstead: Discuss space for delivery, parking, waste and garbage.

Biren: Materials need to be disposed of properly either by recycling, garbage hauler and landfill.

Heintzeman: Have two dumpsters, one for cardboard and waste. Space for delivery between buildings and can turn without backing up.

Open the floor to public comment.

Biren: Township board of Fairview had no comment. Dean Louwagie, Fairview Township supervisor called all other members, no comments from other members. No other public comments.

Louwagie: Closes public comment. Moves to finding of facts. Board discussed and considered all findings of facts.

Biren: Read proposed motion - to recommend to the Lyon County Board of Commissioners to grant a Conditional Use Permit to Barrels and Arrows, Bonnie Heintzeman and Justin Richards for a Conditional Use Permit to operate a Gunsmithing/Archery Services Business. This is an extended home occupation. The area representing the request is zoned agricultural and described as:

The Southeast Quarter (SE 1/4) of Section Twenty (20) Township One-hundred twelve (112) N Range Forty-one (41) W Fairview Township, Lyon County, MN

With the following stipulations:

1. That the applicant abides by applicable regulations and laws.
2. Off street (US HWY 59), loading or unloading of goods is not allowed.
3. Adequate numbers of parking spaces for customers must be provided on the property. Generally, provide one (1) parking space for each (100) square feet of retail floor area.
4. The conditional use permit shall become void if the use is discontinued for a period of one (1) year.
5. Solid waste generated on the premises shall be disposed of legally.
6. All signage to meet standards found in the Lyon County Zoning Ordinance.
7. Violations of these conditions or other regulations found in the Lyon County Zoning Ordinance are grounds for enforcement proceedings.
8. Adopt Findings of Fact as part of this motion
9. 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.

Meulebroeck moved, seconded by VanOverbeke to recommend to the Lyon County Board of Commissioners to Barrels and Arrows, Bonnie Heintzeman and Justin Richards for a Conditional Use Permit to operate a Gunsmithing/Archery Services Business. This is an extended home occupation.

VOTING FOR: Louwagie, VanOverbeke, Olson, Meulebroeck

OPPOSED: None

ABSTAINED: DeBaere

ABSENT: None

Louwagie: Reads CUP request from Novel Energy Solutions, LLC – Scott Tempel

A REQUEST HAS BEEN MADE to the Lyon County Planning and Zoning Administrator by Novel Energy Solutions, LLC (Applicant) for a Conditional Use Permit (CUP) as regulated by the Lyon County Zoning

Ordinance. The Project is referred to as the Novel Fultz Solar, LLC Solar Garden. The project's peak production will be approximately 1-megawatt. The project will be leased from Sheila & Jay Fultz. The area representing the request is zoned agricultural. The affected property is described as follows:

The Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section 29, Township 109 North, Range 40 West, Monroe Township, Lyon County, Minnesota

Parcel ID: 13-029001-2

Biren: Proceeds to explain project.

Louwagie: Any questions?

Biren: Township board of Monroe agrees with request with following comment - If any road improvements are required, costs to be borne by landowner or Novel Energy Solutions

VanOverbeke: Asks if it is like a cooperative that everyone can join. Biren responds with it is a Publicly bought and traded company. The 1MW will pay for property taxes, anything larger will pay a stipend for township, county, and school district based on how much electricity is being used. Will have its own interconnect agreement.

Meulebroeck: Asks if the County gets anything out of this? Biren responds with Property Tax, it is valued higher than Ag land.

Fultz: Received a post card from Novel, when you subscribe you get a discount off of your bill. Must be a customer of Xcel Energy.

Louwagie: Closes public comment. Moves to finding of facts. Board answered yes to all findings of fact.

Biren: Read proposed motion - to recommend to the Lyon County Board of Commissioners to grant a Conditional Use Permit to Novel Energy Solutions, LLC (Applicant) to construct a 1 MW community solar garden. The area representing the request is zoned agricultural and described as:

The Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section 29, Township 109 North, Range 40 West, Monroe Township, Lyon County, Minnesota

Parcel ID: 13-029001-2

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 Novel Energy Solutions, 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 township road in consultation with Novel Energy Solutions, LLC and Monroe Township 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. To ensure proper decommissioning, the board requests posting of a bond, letter of credit , or the establishment of an escrow account in the amount of \$25,000.00
7. The Applicant shall consult with and receive permission by the road authority to construct any driveway or access to the property. Proper signage to identify construction activities to be installed as recommended by the road authority.
8. Adopt Findings of Fact as part of Motion.
9. 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.
10. The applicant and/or future owners must notify Lyon County of all ownership changes.

VanOverbeke moved, seconded by DeBaere by Novel Energy Solutions, LLC (Applicant) for a Conditional Use Permit (CUP) as regulated by the Lyon County Zoning Ordinance. The Project is referred to as the Novel Fultz Solar, LLC Solar Garden. The project's peak production will be approximately 1-megawatt. The project will be leased from Sheila & Jay Fultz.

VOTING FOR: Louwagie, Olson, DeBaere, VanOverbeke

OPPOSED: Meulebroeck

ABSTAINED: None

ABSENT: None

Motion to adjourn by Olson second by Meulebroeck all in favor, motion carried.

Board of Adjustments/Planning Commission
Chair

John Biren, Lyon County P&Z Administrator