

MINUTES-PLANNING COMMISSION/BOARD OF ADJUSTMENTS MEETING

Tuesday, August 10, 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, Springstead, Crowley, Graupmann, Kroll, Ron Kimpe, Codi Kimpi, Bobbi Kimpe

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

All present recited the Pledge of Allegiance

Identify any conflicts of interest: None

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

Minutes for the July 13, 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: *Biren: Reads Conditional Use Permit Request from MIDCO (Midcontinent Communications)*

A REQUEST HAS BEEN MADE to the Lyon County Planning and Zoning Administrator MIDCO (Midcontinent Communications) for a Conditional Use Permit to construct a new 190' self-supporting lattice broadband communication tower. The area affected is zoned agricultural. The proposed tower to be located on a leased parcel of land owned by Randall Lessman and described as follows:

All that part of the Southwest Quarter in Section 12, Township 110 North, Range 40 West, Amiret Township, Lyon County, MN. Parcel # 01-012003-0.

Biren: Introduces Rick Kroll, MIDCO (Midcontinent Communications). Leased property from Randall Lessman. Proceeds to explain project.

Louwagie: Any questions? Crowley – You have received public funding to help put this up. IN order to get this funding, you have to have some many households to complete? Kroll - Goal is 40% of total homes by 2025, we would like to have them completed by 2023. Under the FAA threshold for tower height/lights. Will use existing driveway.

Open the floor to public comment - No comments. Biren: Amiret Township board - received no comment Louwagie: Closes public comment. Moves to finding of facts.

Louwagie - Read through Findings of Facts

Board agrees with all findings of fact and answers yes to all of the findings of facts.

Biren: Read proposed motion for Planning Commission to grant a conditional use permit to construct a new 190' self-supporting lattice broadband communication tower. The area affected is zoned

agricultural. The proposed tower to be located on a leased parcel of land owned by Randall Lessman and described as follows:

All that part of the Southwest Quarter in Section 12, Township 110 North, Range 40 West, Amiret Township, Lyon County, MN. Parcel # 01-012003-0.

With the following stipulations:

1. Site may be inspected to ensure compliance of all applicable regulations.
2. Must follow Article 20 Towers as stated in the Lyon County Zoning Ordinance.
3. Site must be kept clean (weeds controlled).
4. Must receive FCC/FAA permits prior to applying for a building permit.
5. Base of the tower will be fenced with a six foot (6') galvanized steel chain link fence.
6. Future building permits will be reviewed and shall meet the requirements of the County Zoning Ordinance.
7. Must apply for and sign driveway access with an E-911 address.
8. No material alterations to the physical aspects of project without approval of another Conditional Use Permit.
9. If location change is made from plans submitted, an accurate survey showing location of the tower to be submitted prior to obtaining a building permit.
10. MIDCO, its assignees or co-locations/carriers do not use the tower for one year, MIDCO is responsible to remove the tower and equipment compound.
11. If required, Lighting – red lights for FAA purposes at night and during the day there will be a medium intensity white strobe light.
12. Adopt Findings of Fact as part of this motion.
13. A copy of the County Board of Commissioner's Motion shall be filed with the County Recorder's Office along with the legal description and address of the property. Additional fees to be paid by the applicant for the actual costs incurred by the County for the recording fees.

Motion by Louwagie, 2nd by Olson to approve the conditional use permit request.

VOTING FOR: VanOverbeke, Louwagie, Meulebroeck, DeBaere, Olson - Motion carried. No opposition abstained or absent.

Biren: Reads Conditional Use Permit Request from Precious Paws LLC, Ron, Bobbi and Codi Kimpe, for a Conditional Use Permit Request to operate a Kennel Business. The area representing the request is zoned agricultural. The property is described as follows:

That part of the East half of the Northwest Quarter (E 1/2 NW 1/4) of Section Twenty-four (24) Township One-hundred-eleven (111) N Range Forty-one (41) W, Lake Marshall Township, Lyon County, MN

Biren: Introduces Ron, Bobbi and Codi Kimpe, Owners of Precious Paws. Proceeds to explain project.

Louwagie: Any questions? Louwagie- What are the plans for waste? Bobbie Kimpe- Will put in two holding tanks, will have to be pumped. Biren – they will put an alarm in it to notify when getting full. Louwagie – Are they meeting the setbacks? Biren – Setbacks will need to be 25' from the property lines and 100' from road right-of-way. Sits on 3 acres. Will have a dog run on the outside of the building.

Hours of operation will be from 7 a.m. – 5 p.m. for grooming and boarding will be 7 a.m. to 7 p.m. Building will be sound proofed as much as possible. It will be heated and air-conditioned. All dogs will be inside at night. Meulebroeck – Was out there to look at it and very neat and kept up. Bobbie Kimpe – Definitely a need for boarding and grooming. Getting clients from over an hour away. Crowley – Mostly people on vacation or during work hours (local) Bobbi Kimpe- yes

Open the floor to public comment- No comments.

Biren: Lake Marshall Township board - received no comment

Louwagie: Closes public comment. Moves to finding of facts.

Louwagie - Read through Findings of Facts

Board agrees with all findings of fact and answers yes to all of the findings of facts.

Biren: Read proposed motion for Planning Commission to grant a conditional use permit to operate a Kennel Business. The area representing the request is zoned agricultural. The property is described as follows:

That part of the East half of the Northwest Quarter (E 1/2 NW 1/4) of Section Twenty-four (24) Township One-hundred-eleven (111) N Range Forty-one (41) W, Lake Marshall Township, Lyon County, MN

With the following stipulations

1. That the applicant abides by applicable regulations and laws.
2. Hours of operation, generally 7 a.m. to 7 p.m., 7 days a week
3. Off street (County Road 6), loading or unloading of goods is not allowed.
4. 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.
5. The conditional use permit shall become void if the use is discontinued for a period of one (1) year.
6. Solid waste generated on the premises shall be disposed of legally.
7. All signage to meet standards found in the Lyon County Zoning Ordinance.
8. Violations of these conditions or other regulations found in the Lyon County Zoning Ordinance are grounds for enforcement proceedings.
9. Adopt Findings of Fact as part of this motion
10. 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.

Motion by DeBaere 2nd by Meulebroeck to approve the conditional use permit request.

VOTING FOR: VanOverbeke, Louwagie, Meulebroeck, DeBaere, Olson - Motion carried. No opposition abstained or absent.

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

Board of Adjustments/Planning Commission
Chair

John Biren, Lyon County P&Z Administrator