

MINUTES-PLANNING COMMISSION/BOARD OF ADJUSTMENTS MEETING

Tuesday, October 8, 2024 7:00 P.M. COMMISSIONERS ROOM, LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN.

MEMBERS PRESENT: DeBaere, Louwagie, Sleiter, Olson

OTHERS PRESENT: Biren, Crowley, Graupmann, Zach Thompson

ABSENT: Meulebroeck

Olson opened the meeting at 7:01 p.m.

All present recited the Pledge of Allegiance

Identify any conflicts of interest: None

AMEND/APPROVE AGENDA: Addition of Cannabis Ordinance and discuss Public Engagement Meetings for Comprehensive Plan. Sleiter moved, seconded by DeBaere to approve the agenda with additions. All in favor, motion carried.

Minutes for the July 9, 2024 meeting reviewed. Louwagie moved, seconded by Sleiter to approve the minutes as presented. All in favor, motion carries.

BOARD OF ADJUSTMENTS:

A REQUEST HAS BEEN MADE to the Lyon County Planning and Zoning Administrator by Richard & Ruth Bot for a variance request to construct a New Home, Seventy-five (75) feet from the road right-of-way of 220th Avenue. This is a Twenty-five (25) foot variance request. The area representing the request is zoned agricultural. The property is described as follows:

All that part of the Southeast Quarter (SE 1/4) of Section Thirteen (13), Township One Hundred Thirteen (113) North, Range Forty-two (42) West, Westerheim Township, Lyon County, MN.

Motion by Sleiter, seconded by Louwagie to withdraw application for Variance for Richard & Ruth Bot. They meet the setbacks, so no variance needed. All in favor, motion carries

PLANNING COMMISSION:

Biren - Reads Conditional Use Permit for Zach Thompson, Dog Kennel Conditional Use Permit.

A REQUEST HAS BEEN MADE to the Lyon County Planning and Zoning Administrator by Zach Thompson, 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:

All that part of the North Half of the Northeast Quarter in Section 25, Township 111 North, Range 43 West, Island Lake Township, Lyon County, Minnesota.

Biren explains project –This is off of County Road 4, Lynd is a couple miles to the East. Map on the screen and shows the 1/2-mile notice area. Neighboring Landowner called and is in favor of the kennel. Introduction of Zach Thompson. No comment from Township.

Thompson: Explains his business and explains that currently the existing building is 30' x 36'. Will have room for 10 individual kennels inside with 10 individual runs on the outside that are separated by panels. Will be temperature controlled, air conditioned in the summer and heat in the winter. It is fully insulated and floor drain in the middle for daily cleaning. There will be a waste collection on the outside that will connect to a bulk tank. This will be pumped out

as needed. There will be a run off the back of the building for exercise. Daily boarding, essentially a daycare and overnight boarding. Will be advertised once completed.

Olson - Is there other permits required to house dogs?

Thompson – Not unless you are a pound or a veterinary office service.

Olson – I was curious because this isn't the first kennel since I've been on this board. It is a service that is needed. Does anyone have any questions? Obviously, you are far enough away from other building sites that shouldn't have any impact.

Thompson – Each run on the outside of the building is covered by a lean, and the doors are insulated and they won't be affected by cool or warm weather.

Board goes through the findings of fact and agrees with the findings. Moves onto motions and makes changes to the conditions.

Sleiter moved, seconded by DeBaere to recommend to the Lyon County Board of Commissioners to grant a Conditional Use Permit to Zach Thompson to operate a Kennel Business. The area representing the request is zoned agricultural and described as:

All that part of the North Half of the Northeast Quarter in Section 25, Township 111 North, Range 43 West, Lyon County, Minnesota.

With the following conditions:

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. The operation will not become a nuisance. A nuisance for the purposes of this condition is defined as a verified complaint to the Planning and Zoning Administrator on two or more occasions of dogs barking for more than five minutes on five occasions throughout the day, or barking exceeding 30 continuous minutes.
4. Off street loading or unloading of goods is not allowed.
5. Adequate numbers of parking spaces for customers must be provided on the property.
6. The conditional use permit shall become void if the use is discontinued for a period of one (1) year.
7. Waste generated on the premises shall be disposed of legally.
8. All signage to meet standards found in the Lyon County Zoning Ordinance.
9. Violations of these conditions or other regulations found in the Lyon County Zoning Ordinance are grounds for enforcement proceedings.
10. Adopt Findings of Fact as part of this motion
11. 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: Sleiter, Olson, DeBaere, Louwagie

OPPOSED: None

ABSTAINED: None

ABSENT: Meulebroeck

DATED: October 8, 2024

CANNABIS ORDINANCE DISCUSSION:

Biren: The Legislature passed a law that is going to force Counties, Townships and Cities to deal with. The law was written in such a way that precludes Counties from outlawing it, you can't say no. It does allow us to put some pretty tough restrictions on it.

The County has made the decision that they want to have an ordinance in place to regulate Cannabis. I have sent a letter to all of our townships asking them if they want to regulate it or not. That was a requirement that the state had. In the State of Minnesota, there are a fair number of Townships that have township zoning.

I'm assuming that most of the township are not going to want to deal with it. I'm thinking the cities, they can delegate the authority to the county for permitting. This goes back to licensure. The State us going to issue licenses and there is going to be total of 13 licenses available. Combination of these, growers, manufacturing and retail.

The number of licenses, there is going to be two different groups of licenses after the rule is made. The rule that the state is coming up with won't probably be complete until March. I haven't seen any hearings on that. There is two ways to get a license. There is a component that allows for underprivileged, underserved and people that have been in trouble with drugs to get a license (Social equity licenses). Of those licenses, there will be 75 available for retail. There is going to be a lottery system for the rest, another 75. That will be 150 licenses for retail in the State of Minnesota. That will be until sometime in July 1, 2026. They will reevaluate it at that time.

The rule is going to be written. It will have to be a building, not in someone's backyard. The financing will be high, so the retail will need to be high enough to cover that. It will be restricted by schools, churches, playgrounds, and we can pick certain districts that they can go in. We can restrict hours of operation and put other zoning ordinances in places, like, it needs to be well lit, or handicap accessible.

Olson: The City of Marshall has been talking about handling this on their own. Have you heard from anyone else?

Biren: I just sent letters out, they haven't been out a week yet. Townships mostly won't have a meeting until November. I want to get the delegation done in our office. Want the due process completed. Have had phone calls and will attend some city meetings. City of Marshall will have some due to population rule, 12,500. We will have to have at least one public meeting. I haven't received any calls yet.

Olson: I can see it be more with a tobacco shop.

Biren: It will have to be in doors and probably hydroponic, year-round. They will have to try and produce as much as possible. Can't be shipped across state lines. Will try and control the black market with demand and supply. There are other components to this, age limit, safe product, tested, etc.

Olson: AURI has a testing lab, more food testing, but will they be able to do more testing? Finding labs to legally test might be hard to find.

Biren: County has issued a use ordinance on where you can and can't use it. Primarily private property. Events will probably need to be regulated. Law enforcement and private businesses will have an increased workload with this. The County Board would like to have something in place around the beginning of the new year.

We will be sending out Public Engagement Postcards for the Comprehensive Plan. First meeting is on Monday, October 28th at 5 p.m. at Balaton Community Center and 7 p.m. in Marshall at the Courthouse (Commissioner's Room). Tuesday, October 29th is at 5 p.m. in Cottonwood Community Center. Would like if you could attend.

Motion to adjourn by Sleiter second by Louwagie. All in favor, motion carried.

Board of Adjustments/Planning Commission
Chair

John Biren, Lyon County P&Z Administrator